The City Council of the City of Raleigh met in regular session on Tuesday, June 18, 1985, at 1:00 p.m. in the City Council Chamber, Raleigh Municipal Building 222, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend G. Lee McIntyre, retired minister. The following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***RALEIGH ROTARY CLUB - 4-WAY TEST COFFEE MUGS AND CONTRIBUTION PRESENTED

Mr. Tom Owen and Dr. Robert Fields, representing the North Raleigh Rotary Club, were at the meeting and Mr. Owen presented Council Members coffee mugs which contained the 4-way Rotary test. Dr. Fields presented a check in the amount of $1,000 for use by the Parks and Greenway Program in our City at the Rotary/Cedar Hills Park. Mayor Upchurch expressed appreciation for the contribution presented. See Ordinance 583.

***VOLUNTEER OF THE MONTH - JAMES H. PAYNE

Mayor Upchurch explained the Volunteer of the Month Program and introduced Reverend James H. Payne pointing out for the last three years he has helped with every phase of the Emergency Food Box Program and Christmas Basket Project and given approximately 250 hours to the success of these programs. Mayor Upchurch presented a Certificate of Appreciation to Reverend Payne.

COMMITTEES, COMMISSIONS AND BOARDS

***CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor Upchurch explained the presentation of Certificates of Appointments and presented the following certificates: Appearance Commission - Dan C. Sears; Historic Properties Commission - Vivian Irving, Calvin Parks, Fred Whitney, Charlotte Brown, Stanley Caton, Pernon E. Howell, John W. Kinney, Jr. and Ruth Little; Planning Commission - Ken Durham.

***GLENWOOD AVENUE - BEAUTIFICATION PROJECT - FUNDS RECEIVED

Mayor Upchurch indicated a week or so ago he was talking with John C. Williams and commending Mr. Williams about the additional landscaping and work he has done on his recent development. He indicated Mr. Williams had sent a check in the amount of $1,000 to the City of Raleigh for the Parks Department to use at their discretion for beautifying Glenwood Avenue from the Beltline to Oberlin Road. Mr. Williams' letter indicated he was planning to speak to other businesses in this area in hopes that they will contribute to a project such as this. Mayor Upchurch pointed out that his business is located on Glenwood Avenue between the Beltline and Oberlin Road, therefore, he is adding a check for $500 and adding to Mr. Williams' challenge for other businesses. He also challenged other Council Members to try to get donations such as this. The funds were received to be used in the Glenwood Avenue corridor.

ORDINANCE NO. (1985) 583

AN ORDINANCE TO AMEND THE 1984-85 BUDGET ORDINANCE OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984-85 Budget Ordinance be amended by increasing the following to accept contribution from the North Raleigh Rotary Club.

Revenue:	Misc. Income	37-1-0070-0200	$1,000
Expenditure:	Beauti.-Cedar Hills	37-2-3000-0186	1,000

Section 2. That the 1984-85 Budget Ordinance be amended by increasing the following to accept contributions of $500 from Avery C. Upchurch and $1,000 from C & W Investments - John C. Williams.

Revenue:	Misc. Income	37-1-0070-0200	$1,500
Expenditure:	Glenwood Landscaping	37-2-3000-0194	1,500

Adopted: June 18, 1985

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Calloway requested that the annexations and assignment to Council Electoral Districts be withdrawn. Mrs. Cates requested that the transfer relating to Community Development - Landscaping be withdrawn. Mr. Walters requested that the July Zoning Hearing item be withdrawn as well as the Sidewalk Repair Proposed Ordinance Change. Mr. Congleton requested that the replacement of the Lost General Obligation Bond be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Calloway moved Administration's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows.

***PRIVILEGE LICENSES - VARIOUS - APPROVED

1. This is a privilege license application for "Sugar & Spice," located at 119 East Hargett Street. The owner, Johnie May Barrett, is the individual making the application. City Code Sections 2-2032 (2), (3), (5), and Section 12-2118(3) require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class two entertainment center. Police and Inspections reports indicate approval.

   Recommendation: That this application be approved.

2. This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Mary P. Peek. She will be conducting her business at "Neuromuscular Center," located at 3203 Woman's Club Drive. Police report indicates approval.

Recommendation: That this application be approved.

Consent Agenda approval: Calloway/Cates - 8 ayes.

***TRANSPORTATION PLANNING - FEDERAL FUNDING - CONTINUATION BUDGET ADOPTED

The City continues to receive Federal transportation planning funds under the Section 104(f) PL Fund. It is necessary to establish a budget for this planning activity as it is done each year.

Recommendation: That the Council approve a continuation budget for FY 85-86 with the Agenda outlining the appropriate budget amendment. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 584

AN ORDINANCE TO ESTABLISH THE 1985-86 CONTINUATION BUDGET SECTION 104(f) PL FUNDS

Section 1. That the Council approve the following continuation budget for FY 85-86. The following accounts should be increased by:

Revenue Accounts		
02-1-5360-0100	Sec. 104(f) PL	$35,750.00
02-1-5360-0101	City In-Kind	6,309.00
		$42,059.00
Expense Accounts		
02-2-5360-0100	Salaries	$31,000.00
02-2-5360-0101	Fringe	4,030.00
02-2-5360-0102	In-Kind	6,309.00
02-2-5360-0231	Travel	420.00
02-2-5360-0260	Supplies	300.00
		$42,059.00

Adopted: 6/18/85

***MEDICAL SERVICES AGREEMENT - CONTRACT WITH DOUGLAS I. HAMMER - APPROVED

The City retains the service of Douglas I. Hammer, M.D., to oversee the City's Employee Health Center and an agreement is executed to provide for this work. A copy of the agreement was in the Council Members' Agenda packet. It is the same as in prior years with an annual fee of $10,008 which is in the proposed budget. The agreement extends from July 1, 1985, to June 30, 1986.

Recommendation: That this agreement be approved. Consent Agenda approval: Calloway/Cates - 8 ayes.

***ROWLAND LANDFILL - CONTRACT AMENDMENT - APPROVED

The City has a contract with Rowland Landfill, Inc., to dispose of rubbish and tires for an annual fee of $33,000. The agreement stipulates that the fee will be reviewed each year to consider the necessity for an increase. Based on records of actual disposal at the site, the number of tires has increased by 31 percent and the rubbish by 43 percent.

Recommendation: That the agreement be amended to increase the annual fee payment by the City from $33,000 to $36,460 or 10.5 percent to reflect the increased disposal activity. Funds are available in the FY 85-86 Budget. Consent Agenda approval: Calloway/Cates - 8 ayes.

***LONGVIEW POOL - CP&L EASEMENT - APPROVED

An easement is necessary for CP&L to construct service lines on City property to serve the Longview Pool. A copy of the easement document was in the Agenda packet.

Recommendation: That the electric utility easement be granted to CP&L. Consent Agenda approval - Calloway/Cates - 8 ayes.

***SHELLEY LAKE - MEMORANDUM OF AGREEMENT AMENDMENT - APPROVED

The City currently has a memorandum of agreement with Wake County concerning the maintenance of Shelley Lake and associated structures. The County proposes that the agreement be amended to transfer to the County the responsibility for routine structural maintenance to the principal spillway and the over flow structure. All others provisions of the agreement remain the same. A copy of the addendum was included in the Agenda packet.

Recommendation: That the Council approve the addendum to the Shelley Lake agreement. Consent Agenda approval: Calloway/Cates - 8 ayes.

***PERSONNEL - INSPECTIONS DEPARTMENT - POSITION SHIFT AUTHORIZED

Within the Inspections Department, there is a vacant Plumbing Inspector II position. An assessment of work load indicates a greater need for a Mechanical Inspector II position. No additional funds are involved.

Recommendation: That the Council approve reclassifying the vacant Plumbing Inspector II position to a Mechanical Inspector II. Consent Agenda approval: Calloway/Cates - 8 ayes.

***RALEIGH HOUSING AUTHORITY - SUPPORT SERVICES AGREEMENT - APPROVED

Each year the City contracts with the Housing Authority to provide support services needed for the Community Development Program. A copy of the proposed agreement for FY 85-86 was included in the Agenda packet. Funding is provided for in the proposed C. D. Budget.

Recommendation: That the Council approve the proposed agreement with the Raleigh Housing Authority. Consent Agenda approval: Calloway/Cates - 8 ayes.

***CD REHABILITATION GRANT - APPROVED

The following Community Development rehabilitation grant application has been researched and reviewed according to administrative procedures:

Case Number: B-84-MC-005
Loletta W. Avery
806 Postell Street
Grant Amount: $6,700

Recommendation: That the application be approved. Consent Agenda approval: Calloway/Cates - 8 ayes.

***ARTS PROGRAM - 1985-86 GRASSROOTS ALLOCATIONS - CONFIRMED

The allocation of these grant funds is handled through the Arts Commission and City Council. The Arts Commission has reviewed applications and their recommendations are included in the Agenda packet.

Recommendation: That the Council approve the funding program as recommended by the Arts Commission. Consent Agenda approval: Calloway/Cates - 8 ayes.

***PUBLIC UTILITIES - WATER AND SEWER ASSESSMENT RATES - APPROVED

The costs of constructing lines have been reviewed in accordance with the procedures for computing the assessment rates. The following revisions are proposed:

	1984-85	1985-86	%
8" Sanitary Sewer	$12.97	$14.14	+9.02%
6" Water Main	8.89	9.89	+11.2%
2 Replacement w/6"	6.20	5.02	-23.5%

The above costs are per front foot for each side of the street or abutting frontage.

Recommendation: That the proposed fee schedule be approved effective July 1, 1985.
Consent Agenda approval: Calloway/Cates - 8 ayes.

***PUBLIC UTILITIES - ACREAGE FEES - APPROVED

The acreage fee ordinance stipulates that an annual review would be made of acreage fees and adjustments made on the bases of changes in the construction cost index as published by Engineering News. The increase has been 2.29 percent. A copy of the current and proposed acreage fees was included in the Agenda packet. The proposed revisions would amend Section 8-2031(A) of the City Code.

Recommendation: That the proposed fee schedules be approved effective July 1, 1985.
Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 585

AN ORDINANCE TO AMEND SECTION 8-2031(a) OF THE CODE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 8-2031(a) of the Code of the City of Raleigh entitled "Acreage fees imposed on all extensions" be amended and made to read as follows:

Zoning Districts	Water Acreage Fee	Sewer Acreage Fee
Conservation/Buffer	770.00/gross acre	770.00/gross acre
Agricultural Productive	770.00/gross acre	770.00/gross acre
R-1	770.00/gross acre	770.00/gross acre
R-4	770.00/gross acre	770.00/gross acre
R-6, Mobile Homes	930.00/gross acre	930.00/gross acre
R-10	1,250.00/gross acre	1,250.00/gross acre
R-15	1,580.00/gross acre	1,580.00/gross acre
R-20	1,920.00/gross acre	1,920.00/gross acre
R-30 and in the case of residential development in zones which permit residential densities of 25 units per acre or above[1]	96.00/dwelling unit allowed in that zoning	96.00/dwelling
Office and Institution I, II, and III[1].	1,920.00/gross acre	1,920.00/gross acre
Buffer Commercial[1].	1,920.00/gross acre	1,920.00/gross acre
Shopping Center[1].	1,920.00/gross acre	1,920.00/gross acre
Neighborhood Business[1].	1,920.00/gross acre	1,920.00/gross acre
Business[1].	1,920.00/gross acre	1,920.00/gross acre
Thoroughfare[1]. and 2.	2,150.00/gross acre	2,150.00/gross acre
Industrial I and II[2].	2,150.00/gross acre	2,150.00/gross acre

Water Tap Size	Water Acreage Fee	Sewer Acreage Fee
3/4"	770.00/tap	770.00/tap
1"	1,280.00/tap	1,280.00/tap
1-1/2"	2,560.00/tap	2,560.00/tap
2"	4,100.00/tap	4,100.00/tap
4"	10,750.00/tap	10,750.00/tap
6"	25,580.00/tap	25,580.00/tap
8"	40,920.00/tap	40,920.00/tap

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective July 1, 1985.

Effective: 7/1/85

ORDINANCE NO. (1985) 598 A

AN ORDINANCE TO AMEND SECTION 7-4081(b) OF THE CODE OF THE CITY OF RALEIGH ENTITLED "FEES FOR THE INSTALLATION OF WATER AND SEWER SERVICES BY CITY FORCES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 4081(b) entitled "Fees for the Installation of Water and Sewer Services by City Forces" be amended and made to read as follows:

Size and Type of Service	Inside/Outside City	
	Dirt	Paved
Combination 3/4" Water and 4" Sewer Service	$1,000.00	$1,195.00
Combination 1" Water and 4" Sewer Service	$1,320.00	$1,515.00
3/4" Water Service Only	$ 610.00	$ 805.00
3/4" Split Water Service (existing service)	$ 340.00	$ 340.00
3/4" Split Water Service (new application)	$ 295.00	$ 295.00
1" Water Service Only	$ 770.00	$ 965.00
4" Sewer Service Only	$ 870.00	$1,065.00
Sidewalk Out		$ 79.00

These fees apply to services installed by City forces for vacant lots. Fees for water services over one (1) inch and sewer services over four (4) inches shall be determined individually by the Director of Public Utilities after submission of a plot plan showing service location and size.

The fee for a 3/4 inch split water service in the addition to the fee for the water service or existing water stub.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon its adoption.

Adopted: 6/18/85

Effective: 6/18/85

***TAXICAB OWNER'S PERMITS - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on June 4, 1985, the following applications for taxicab owner's permits were approved on the first reading:

Frederick Rogers Sutton, Ebony Cab Company (New Individual Owner's Permit)

James Henry Wilkerson, Ebony Cab Company (New Individual Owner's Permit)

Recommendation: That the applications be approved on second and final reading. Consent Agenda approval: Calloway/Cates - 8 ayes.

***LIMOUSINE SERVICE FRANCHISE - APPROVED ON SECOND AND FINAL READING

During the Council Meeting on June 4, 1985, the following application for a limousine service franchise was approved on the first reading:

Edward Junious Thornton, Thornton's Limousine Service (New Franchise)

Recommendation: That the application be approved on second and final reading. Consent Agenda approval: Calloway/Cates - 8 ayes.

***COMMUNITY DEVELOPMENT - BUDGET AMENDMENT - ORDINANCE ADOPTED

The Agenda presented lengthy recommendations relating to appropriations in excess of amounts required for construction costs and budget amendments which have been cleared with the HUD area office as being needed and ones which will not change the emphasis of the grants.

Recommendation: Administration recommends approval of the budget amendments as outlined in the Agenda packet. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 586

AN ORDINANCE TO AMEND THE 1984-85 BUDGET ORDINANCE

Budget Amendments - Community Development

(1) The following accounts should be decreased by:

Revenue Account:		
43-1-6000-0101	Market Plaza Private FDS	$ 7,535.65
Expense Account:		
43-2-6200-0200	Market Plaza Construction	$ 7,535.65

Purpose:

To reduce appropriations in excess of amounts required for construction costs.

(2) The following budget amendments have been cleared with the HUD Area Office and will not change the emphasis of the grants.

a. The following accounts should be decreased by:

Revenue Account:		
43-1-9000-0100	C/D B81-MC-37-0009	$ 14,151.50
Expense Account:		
43-2-9030-0300	Demolition	$ 1,135.00
43-2-9041-0300	Engineering	4,620.00
43-2-9042-0300	Greenway Dev. - Part A	1,924.00
43-2-9070-0300	Rehab Loans & Grants	6,472.50
		$ 14,151.50

Purpose:

To close out B81-MC-37-0009 to B84-MC-37-0009.

b. The following accounts should be increased by:

Revenue Account:		
43-1-3000-0310	Prior Year/B81-MC-37-0009	$ 14,151.50
Expense Accounts:		
43-2-3030-0100	Demolition	$ 1,135.00
43-2-3060-0100	Loans & Grants	6,472.50
43-2-3080-0100	Contingency	4,620.00
43-2-3400-0100	Greenway Dev.- Part A	1,924.00
		$ 14,151.50

Purpose:

To reappropriate B84-MC-37-0009 from B81-MC-37-0009.

c. The following accounts should be decreased by:

Revenue Account:		
43-1-4000-0100	CD/B82-MC-37-0009	$369,466.32
Expense Account:		
43-2-4030-0100	Demolition	$ 1,479.00
43-2-4050-0100	ED Acquisition	11,078.48
43-2-4050-0102	ED Loan Pool	71,548.44
43-2-4050-0104	ED Market Plaza Design	1,210.25
43-2-4050-0106	Festive Retail Study	28,495.05
43-2-4051-0001	Loans & Guarantees	87,000.00
43-2-4051-0100	CEDCO - Loan Supplement	59,721.53
43-2-4051-0101	Consultants/Counseling	1,447.50
43-2-4051-0102	Management Services	5,066.72
43-2-4051-0103	Office Supplies	986.51
43-2-4051-0104	Audit Fees	200.25
43-2-4051-0105	Travel	960.00

43-2-4051-0106	Postage & Telephone	$ 173.93
43-2-4051-0107	Legal Fees	600.00
43-2-4051-0108	Dues & Subsc.	350.00
43-2-4051-0109	Printing	600.00
43-2-4060-0102	Tri-Party Agreement	81,931.25
43-2-4190-0100	Greenway Construction	16,617.41
		$369,466.32

Purpose:

To close out B82-MC-37-0009 to B84-MC-37-0009.

d. The following accounts should be increased by:

Revenue Account:

43-1-3000-0311	Prior Year/B82-MC-37-0009	$369,466.32

Expense Account:

43-2-3020-0200	Acq. of Real Prop-DTE	$ 11,078.48
43-2-3030-0100	Demolition	1,479.00
43-2-3400-0101	Greenway Construction	16,617.41
43-2-3410-0100	ED Loan Pool	71,548.44
43-2-3410-0101	ED Market Plaza Design	1,210.25
43-2-3410-0102	Festive Retail Study	28,495.05
43-2-3410-0103	Tri-Party Agreement	81,931.25
43-2-3420-0001	CEDCO - Loans & Guarantees	87,000.00
43-2-3420-0100	CEDCO - Loan Supplements	59,721.53
43-2-3420-0101	Consultants & Counseling	1,447.50
43-2-3420-0102	Management Services	5,066.72
43-2-3420-0103	Office Supplies	986.51
43-2-3420-0104	Audit Fees	200.25
43-2-3420-0105	Travel	960.00
43-2-3420-0106	Postage & Telephone	173.93
43-2-3420-0107	Legal Fees	600.00
43-2-3420-0108	Dues & Subscriptions	350.00
43-2-3420-0109	Printing	600.00
		$369,466.32

Purpose:

To reappropriate B84-MC-37-0009 from B82-MC-37-0009.

e. The following accounts should be decreased by:

Revenue Account:

43-1-5000-0100	CD/ B83-MC-37-0009	$612,019.38

Expense Account:

43-2-5010-0200	Audit	$ 3,000.00
43-2-5010-0226	Repairs to Equipment	50.00
43-2-5010-0260	Office & Other	25.64
43-2-5030-0100	Demolition	5,192.00
43-2-5050-0050	Commercial Rehab/ED	60,000.00
43-2-5050-0100	Economic Dev.	1,650.00
43-2-5051-0102	Relocation/NBP	2,147.78
43-2-5051-0103	Design Service NBP	1,300.00
43-2-5051-0105	Design Service NBP (PII)	1,350.00
43-2-5051-0106	Archaeological Surv. NBP	10,176.16
43-2-5052-0100	Acquisition/DTE	30,791.22
43-2-5052-0102	Relocation/DTE	40,044.80
43-2-5052-0103	Residential Rehab/DTE	119,993.95
43-2-5052-0104	Pub. Fac. Imp./DTE	37,500.00
43-2-5052-0105	Sir Walter Apts/DTE	200,000.00
43-2-5052-0200	Acq. of Real Prop/DTE	10,000.00
43-2-5060-0200	Rehab Warranties	1,147.98
43-2-5070-0101	Davie St. Widening	47,644.13
43-2-5080-0100	Contingency	5,173.40
43-2-5090-0229	Advertisement	28.13
43-2-5090-0701	Computer/Hardware	426.97
43-2-5500-0100	Compre. Housing Study	25,000.00
43-2-5600-0100	Meals-on-Wheels	121.12
43-2-5600-0101	Homemaker-Home Health	3,788.61
43-2-5600-0102	Gethsemane Rainbow	5,467.49
		$612,019.38

Purpose:

To close out B83-MC-37-0009 to B84-MC-37-0009.

f. The following accounts should be increased by:

Revenue Account:

43-1-3000-0312	Prior Year/B83-MC-37-0009	$612,019.38

Expense Account:

43-2-3020-0200	Acq. of Real Prop./DTE	$ 40,791.22
43-2-3030-0100	Demolition	5,192.00
43-2-3030-0200	Demolition/DTE	1,650.00
43-2-3040-0101	Relocation/NBP	2,147.78
43-2-3040-0200	Relocation/DTE	40,044.80
43-2-3050-0001	ED - Downtown Loan Pool	60,000.00
43-2-3060-0130	Sir Walter Apts./DTE	200,000.00
43-2-3060-1100	Warranties	1,147.98
43-2-3060-1200	Loans & Grants/DTE	119,993.95
43-2-3080-0100	Contingency	8,704.14
43-2-3430-0100	Design Service/NBP	1,300.00
43-2-3430-0101	Design Service/NBP (PII)	1,350.00
43-2-3430-0102	Arch. Survey/NBP	10,176.16
43-2-3440-0100	Pub. Fac. Imp./DTE	37,500.00
43-2-3440-0101	Davie St. Widening	47,644.13
43-2-3500-0100	Comp. Hous. Study	25,000.00
43-2-3600-0100	Meals-on-Wheels	121.12
43-2-3600-0101	Homemaker-Home Health	3,788.61
43-2-3600-0102	Gethsemane Rainbow	5,467.49
		$612,019.38

Purpose:

To reappropriate B84-MC-37-0009 from B83-MC-37-0009.

Adopted: 6/18/85

Effective: 6/18/85

***REIMBURSEMENT CONTRACTS - DEVELOPMENT ASSOCIATES - APPROVED

Two acreage fee reimbursement contracts have been prepared for Council approval and the Mayor's signature. The costs have been certified by the Central Engineering Department.

Development Associates - 12-inch water main on Bridgeport Drive

Water area 8, No. 23 - $ 5,161.28
Water area 8, No. 24 - $20,654.13

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval: Calloway/Cates - 8 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of the VIP Room at the Civic Center on Wednesday, June 13, 1985, from 10:00 a.m. to 1:00 p.m. for a luncheon meeting for the Performance Evaluation Committee. The item was received without comment.

***UTILITY ACCOUNTS - OVERPAYMENTS - REFUNDS AUTHORIZED

The Council has previously requested that they be notified of refunds to customers of water/ sewer accounts involving errors by the City and/or customer.

1. Name: Henry Seagroves

   Address: 1612 Thompson Street

   Amount of Refund: $363.36

   Reason: The customer was billed from August, 1970, through October, 1984, for water and sewer usage. It was determined on September 17, 1984, by the Public Utilities Department that the customer was only connected to City water.

2. Name: J. P. Gore

   Address: 1410 Ashburton Road

   Amount of Refund: $72.71

   Reason: The customer was billed from September, 1984, through April, 1985, for water and sewer usage. It was determined on May 15, 1985, by the Public Utilities Department that the customer was only connected to City water.

3. Name: Becky Griffin

   Address: 207 Shelden Drive

   Amount of Refund: $233.50

Reason: The customer was billed from July, 1982, to May, 1985, for water and sewer usage. It was determined on May 16, 1985, by the Public Utilities Department that the customer was only connected to City water.

The information was received without comment.

***LONGVIEW POOL - CHANGE ORDER P-1 - APPROVED

The Agenda indicated the City Manager has administratively approved Change Order P-1 - Triangle Mechanical which is an increase of $197. Appropriate budget transfers have also been authorized administratively.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes.

***LAKE JOHNSON POOL - CHANGE ORDER P-4 - MANAGER'S ACTION CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order P-4 - AAA Electrical Company which is an increase of $873.15 relating to Lake Johnson pool. The Agenda outlined the budget accounts that have been amended administratively to cover this change order.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes.

***GREEN ROAD PARK CENTER - CHANGE ORDER G-3 - MANAGER'S ACTION CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order G-3 - LDA, Inc., relating to Green Road Park. The change order is an increase of $862.25. The Agenda outlined the code accounts that have been amended administratively to cover the change order.

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes.

***HAYWOOD STREET PROJECT - VARIOUS CHANGE AND TRANSFERS AUTHORIZED

The Agenda presented the following change orders relating to the Haywood Street Project.

Chance House Moving - Change Order 1 - increase of $500.00

C&W Construction Company - 112 Haywood Street - Change Order 1 - increase of $745.00

C&W Construction Company - Change Order 2 - 113 Haywood Street - $575.00

C&W Construction Company - 116 Haywood Street - Change Order 3 - $375.00

C&W Construction Company - 117 Haywood Street - Change Order 4 - $575.00

Recommendation: Administration recommends approval of the change orders and the transfers as outlined in the Agenda. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 587 TF 25.

***HARRISS AND MOORE, INC. - CHANGE ORDER G-1 - ASBESTOS REMOVAL - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order G-1 relating to Asbestos removal - Harriss and Moore, Inc. The change order is an increase of $9,939.00. The Agenda listed the reason for the change order outlining the various fire stations involved. The Agenda also outlined the code accounts that would need to be amended to cover the change order.

Recommendation: Administration recommends approval of the change order and transfers as outlined on the Agenda. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 587 TF 25.

***TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been authorized according to Council procedure. The transfers were as follows:

FROM	TO	AMOUNT
19-2-8010-0534	19-2-8010-0700	$500.00
01-2-4020-0233	01-2-4020-0232	300.00
19-2-8020-0534	19-2-8020-0101	850.00
01-2-6000-0231	01-2-6000-0260	325.00
01-2-1040-0001	01-2-1100-0260	200.00
43-2-3090-0240	43-2-3090-0231	400.00
43-2-3090-0229	43-2-3090-0231	400.00

FROM	TO	AMOUNT
01-2-4110-0700	01-2-4110-0921	200.00
43-2-3060-0100	43-2-3060-1300	500.00
01-2-1080-0260	01-2-1080-0261	90.00
01-2-1120-0260	01-2-1120-0240	55.00
18-2-0800-0240	18-2-0800-0260	200.00
18-2-0800-0992	18-2-0800-0260	400.00
18-2-0800-0255	18-2-0800-0260	300.00
19-2-8020-0700	19-2-8020-0279	200.00
19-2-8040-0231	19-2-8040-0221	500.00
38-2-2030-0104	38-2-2030-0205	873.15
38-2-2030-0104	38-2-2030-0105	197.00
02-2-2100-0268	02-2-2100-0231	200.00
01-2-5060-0225	01-2-5060-0229	185.00
01-2-1240-0254	01-2-1240-0604	150.00
32-2-3000-0101	32-2-3000-0104	600.00
44-2-2000-0265	44-2-2000-0238	54.00
01-2-2000-0237	01-2-2000-0231	170.00
01-2-1080-0260	01-2-1080-0236	125.00
01-2-4010-0278	01-2-4010-0231	358.14
42-2-9010-0291	42-2-9010-0290	200.00
06-2-7090-0260	06-2-7090-0230	200.00
01-2-6010-0275	01-2-6010-0226	500.00
01-2-5030-0709	01-2-5030-0606	123.76
01-2-1200-0226	01-2-1200-0703	525.00
19-2-8240-0700	19-2-8240-0260	300.00

Recommendation: Concurrence with the Manager's action is recommended. Consent Agenda approval: Calloway/Cates - 8 ayes.

***TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the accounts relating to the Civic Center, Community Development, Engineering, Finance, Parks and Recreation, Public Utilities, Public Works and Transportation Departments. The Agenda outlined the actual code accounts to be amended as well as the reason for the transfers.

Recommendation: Administration recommends approval of the transfers as outlined. Consent Agenda approval: Calloway/Cates - 8 ayes. See Ordinance 587 TF 25.

***BID REQUEST 84-70 - 50 RADIO PAGERS - BID AWARDED TO MOTOROLA COMMUNICATIONS AND ELECTRONICS

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on June 3, 1985, for 50 radio pagers with results as follows: Motorola Communications and Electronics - $12,750; General Electric Company - $14,250.

Recommendation: Administration recommends the low bid submitted by Motorola Communications and Electronics. Consent Agenda approval: Calloway/Cates - 8 ayes.

***TRAFFIC - ON-STREET PARKING REVISIONS - APPROVED

The Agenda presented a recommended change in the traffic code relating to on-street parking revision - Morgan and Blount Streets.

Recommendation: Administration recommends the traffic change as outlined be authorized. Consent Agenda approval: Calloway/Cates - 8 ayes.

ORDINANCE NO. (1985) 589

AN ORDINANCE TO AMEND THE CITY OF RALEIGH TRAFFIC SCHEDULE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "No Parking Zones" be amended by deleting the following:

Blount Street, west side from Morgan Street, southward---154 feet

Section 2. That Traffic Schedule No. 17 entitled "Materials Loading and Unloading Zones" be amended by deleting the following:

Blount Street, west side, beginning at a point 154 feet south of Morgan Street, southward---154 feet

AMEND SAID SECTION FURTHER BY ADDING:

Blount Street, west side, beginning at a point 183 feet south of Morgan Street, southward---135 feet

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective June 25, 1985.

Adopted: 6/18/85

Effective: 6/25/85

*****END OF CONSENT AGENDA*****

***ZONING HEARINGS - JULY - HEARING DATE ESTABLISHED; MR. WALTERS TO CHECK ON TOUR DATE

The City has received 26 requests for rezoning by the May 31 deadline. This number is sufficient to warrant two hearings on July 16, and July 18, at 6:30 p.m.

It is also suggested that the Council zoning tour be scheduled for Wednesday, July 10 at 8:00 a.m.

Mr. Walters indicated he does not know how we have switched to a Wednesday tour date but Wednesday is a difficult time for him to make the tour. He asked if the City Council would indulge him to go on the zoning tour at another time. Brief discussion took place with Mayor Upchurch suggesting that the Administration's recommendation be upheld with the understanding that Mr. Walters would work with whoever schedules the tour and if a better time could be found, then Council Members would be advised.

***GENERAL OBLIGATION BOND - REPLACEMENT - RESOLUTION ADOPTED

Our bond paying agent has advised that a fully registered General Obligation Bond has been lost by an agent of the bond owner and replacement of that bond is desired. The Local Government Commission has suggested that replacement needs authorization by the City Council. The bond in question, dated July 20, 1984, at 8.70 percent, numbered R-02173, is for $250,000. Approval by Council needs to be in the form of adoption of a resolution.

Mr. Congleton indicated he just wanted to make sure that someone would not recover the lost bond and present it for payment with City Manager Benton indicating the Local Government Commission is satisfied with this arrangement. Mr. Congleton moved approval of Administration's recommendation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 831

A RESOLUTION TO AUTHORIZE THE REPLACEMENT OF LOST BOND NUMBER R-02173, ISSUED JULY 20, 1984.

WHEREAS, General Obligation Bond No. R-02173 was issued by the City of Raleigh on July 20, 1984; and

WHEREAS, Bond No. R-02173 is fully registered in the name of Belmont Converting Company; and

WHEREAS, Bond No. R-02173 was last in the custody of Interstate Securities Corporation serving as custodian for the registered owner; and

WHEREAS, Replacement of Bond No. R-02173 will cause no additional obligation to accrue to the City and will allow the registered owner of the Bond to realize the full potential of its investment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that the Wachovia Bank & Trust Company, N.A., Corporate Trust Department as paying agent for the City, is hereby authorized to reissue and replace Raleigh's General Obligation Bond No. R-02173 in the amount of $250,000 dated July 20, 1984, 8.70% interest due on July 1, 1987.

Adopted: 6/18/85

Effective: 6/18/85

***SIDEWALK REPAIRS - PROPOSED ORDINANCE CHANGED - REFERRED TO PUBLIC WORKS COMMITTEE

The current City Code makes the adjoining property owner responsible for the repairs of sidewalks. Until recently, voluntary compliance has been obtained. However, the Council has under consideration a project in which the City would make the repairs at the cost to the property owners. There is a need to adopt an ordinance clarifying this new process. A copy of the proposed ordinance was in the Agenda packet.

Mr. Walters indicated he had some problems with this as he was not sure he understood the proposed change. City Manager Benton indicated presently adjacent property owners are responsible for repair of sidewalks regardless of who initially installed them. He indicated this proposed ordinance speaks to a process for doing sidewalk repair and equitable assessments. He indicated we do have a situation sometimes of trees on public right-of-way which do damage to the sidewalk with Mr. Walters indicating that is one of the things he is concerned about as it seems unfair to make a property owner do repairs for something he has no control over. He suggested the possibility of having some type waiver in situations such as this. Brief discussion took place with Mr. Walters moving that the proposed change in ordinance relating to sidewalk repairs be referred to Public Works Committee. Without objection, the item was so referred.

***ANNEXATION - RESOLUTION ADOPTED ASSIGNING AREAS TO NEW ELECTORAL DISTRICTS

The staff has been working with the Wake County Board of Elections to correlate newly annexed areas with existing precinct boundaries and Council district boundaries. A number of the annexations have been in the Neuse Precinct which is a large area and will be subdivided after the fall elections. To assure that Council districts not cross existing precinct boundaries, the following actions are needed:

1. Place all recent Neuse Precinct annexations in Council District B, including Thorpshire Farm and North Ridge Estates which are presently in Council District A. A list of the others to be placed in District B is as follows:

   The Landings at North Ridge
   Riverbirch Townhouses
   Somerset, North Market Square
   North Boulevard Commercial
   Raleigh Townhomes

2. Place other recent annexations in Council districts as follows:

Annexation	District
Kingsborough Estates	C
Tryon Road Industrial (East) and State Complex	D
Farm Fresh	D
Lake Lynn Residential	E
Pines of Brookhaven	E
Village-on-the-Green	A
Crown Oaks, Summerfield North, Weathersfield	A
Greystone Village Extensions	A
Westwood	A

An electoral district map showing all of these annexation areas was available at the City Council Meeting.

Mr. Calloway questioned if we have had a head count to determine if these new annexations throw off the equity of our district system unduly with City Manager Benton indicating over a period of time he is sure that the population would get out of kilter. Mr. Calloway questioned how often we examine the districts to determine the number of persons with City Manager Benton indicating there is no prescribed time but usually when the census figures come out, they are examined. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 832

A RESOLUTION TO AUTHORIZE THE INCLUSION OF VARIOUS ANNEXATION AREAS INTO CITY OF RALEIGH ELECTORAL DISTRICTS

WHEREAS, the City Council of the City of Raleigh did annex various areas to the Raleigh City Limits; and

WHEREAS, any such annexations must be assigned to one of the City's voting districts to assure adequate representation of the residents thereof; and

WHEREAS, the following areas are assigned to the designated districts due to their proximity to the annexed areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the areas previously placed in District A are hereby placed in District B:

Thorpshire Farm
North Ridge Estates

Section 2. That the following areas are hereby placed into the designated districts:

Umstead State Park	District E
The Landings at North Ridge	District B
Riverbirch Townhouses	District B
Somerset, North Market Square	District B
North Boulevard Commercial	District B
Raleigh Townhomes	District B
Kingsborough Estates	District C
Tryon Road Industrial (East) & State Complex	District D
Farm Fresh	District D
Lake Lynn Residential	District E
Pines of Brookhaven	District E
Village-on-the-Green	District A
Crown Oaks, Summerfield North, Weathersfield	District A
Greystone Village Extensions	District A
Westwood	District A
Brier Creek	District E

Adopted: 6/18/85

Effective: 6/30/85

***COMMUNITY DEVELOPMENT - TRANSFER RELATING TO LANDSCAPING - APPROVED

The Agenda outlined the recommended transfer of $1,625.25 to provide additional funds for South Park Tree Planting Project. Mrs. Cates indicated she had pulled this from the Agenda as she wanted to make sure we have enough money to go back and water and maintain these trees onces they are planted. She indicated she had heard that we do not always have enough money to do this. City Manager Benton indicated these funds are for planting of trees by the City staff. He indicated we do provide a level of early care to make sure that trees will live. He stated that is taken care of out of general operating funds. This is just to provide funds for the planting. Mrs. Cates indicated she just wants to make sure that we are providing adequate funds to give these trees a change of survival. Mrs. Cates moved approval of the transfer as outlined. Her motion was seconded by Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 587 TF 25

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth heretofore appropriated are hereby transferred for the purpose shown:

Haywood Street - House Moving - Change Order #1 - Chance House Moving

This change order is for an increase of $500.

Reason:

To provide additional funds for removal of extra trees.

Accounts to be Amended:

From:		
43-2-3060-0100	Loans & Grants	$ 500.00
To:		
43-2-3060-1300	House Moving Haywood Street	$ 500.00

Haywood Street Project - 112 Haywood Street - Change Order #1 - C&W Construction

This change order is for an increase of $775.

Reason:

To provide funds for relocation and construction of driveway aprons with curb and gutter.

Accounts to be Amended:

From:
43-2-3060-0100 Loans and Grants $ 775.00

To:
43-2-3060-1800 Rehab for Resale $ 775.00

Haywood Street Project - 115 Haywood Street - Change Order #2 - C&W Construction

This change order is for an increase of $575.

Reasons:

To provide additional funds for construction of apron cuts for driveways including curb and gutter.

Accounts to be Amended:

From:
43-2-3060-0100 Loans & Grants $ 575.00

To:
43-2-3060-1800 Rehab for Resale $ 575.00

Haywood Street Project - 116 Haywood Street - Change Order #3 - C&W Construction

This change order is for an increase of $375.

Reason:

To provide funds for relocation and construction of driveway aprons with curb and gutter.

Accounts to be Amended:

From:
43-2-3060-0100 Loans & Grants $ 375.00

To:
43-2-3060-1800 Rehab for Resale $ 375.00

Haywood Street Project - 117 Haywood Street - Change Order #4 - C&W Construction

This change order is an increase of $575.

Reason:

To provide additional funds for construction of apron cuts for driveways including curb and gutter.

Accounts to be Amended:

From:
43-2-3060-0100 Loans & Grants $ 575.00

To:
43-2-3060-1800 Rehab for Resale $ 575.00

Asbestos Removal - Change Order #G-1 - Harriss and Moore, Inc., Durham, NC

This change order is for an increase of $9,939.00.

Reason:

Item 1. Fire Station #7 add $3,750.00

Item 2. Fire Station #3 add $2,825.00

Item 3. Fire Station #8 add $3,750.00

Item 4. Fire Station #5 deduct $486.00 for deletion of reinsulating of hot water tank. This tank is scheduled for immediate removal after examination and consulting with a plumbing contractor on modification to the hot water heating system for this fire station.

Item 5. Add 30 days to contract time.

Budget Accounts to be Amended:

From:
01-2-1040-0001 Contingency, General Government $ 9,939.00

To:
39-2-5110-0201 Asbestos A, Misc. Capital Imp. $ 9,939.00

An additional transfer is needed for the following:

From:
39-2-5110-0203 Asbestos C, Misc. Capital Imp. $ 900.00

To:
39-2-5110-0204 Asbestos D, Misc. Capital Imp. $ 900.00

Purpose:

Provide funds for additional services by Industrial Hygienist for monitoring/testing.

Civic Center

It is recommended that the following transfer be authorized:

Transferred From:		
01-2-1080-0217	Fuel for Heat	$ 3,000.00
01-2-1080-0221	Printing	500.00
01-2-1080-0224	Bldg/Maint. - Repairs	6,500.00
01-2-1080-0226	Repairs to Off. Equip.	800.00
01-2-1080-0238	Elevator Maintenance	1,000.00
01-2-1080-0262	Bldg. Maint. - Parts/Supplies	4,750.00
01-2-1080-0265	Other Services	950.00
01-2-1080-0302	Home & Harden Show	10,500.00
		$28,000.00

Transferred To:		
01-2-1080-0100	Salaries	$28,000.00

Purpose:

To provide sufficient funds for salaries for the balance of the fiscal year. Overage is due to overtime and part-time salaries required in excess of budget.

Community Development

It is recommended that the following transfers be authorized:

(1)

Transferred From:		
43-2-6000-0102	RHA Landscaping	$ 1,082.01
43-2-6100-0103	Women's Center	543.24
		$ 1,625.25

Transferred To:		
43-2-6200-0300	Redev. Landscaping	$ 1,625.25

Purpose:

To provide additional funds for South Park Tree Planting Project.

(2)

Transferred From:		
43-2-3050-0200	Econ. Dev. Plan. Prog.	$40,562.00

Transferred To:		
43-2-3010-0261	Indirect Cost	$40,562.00

Purpose:

To create line item allowing the City to recover indirect costs from Community Development.

Eningeering

It is recommended that the following transfer be authorized:

Transferred From:		
40-2-1515-0000	Civic Center Plaza Imp.	$ 7,606.00

Transferred To:		
40-2-1515-0401	Civic Center Construction	$ 7,606.00

Purpose:

For Parking Garage - Civic Center Plaza coordination of construction. (Provide funds for construction coordination.)

Finance

It is recommended that the following transfers be authorized:

(1) Transferred From:

44-2-1010-0001	Reserve Future Facilities	$21,000.00

Transferred To:

44-2-0000-0200	Bond Expense	$21,000.00

Purpose:

To provide sufficient funds to pay bond sale expenses on the $4,190,000 parking facilities bond issue.

(2) Transferred From:

01-2-1040-0001	Council Contingency	$15,500.00

Transferred To:

01-2-1040-0236	City/County Tax Billing & Collection	$15,500.00

Purpose:

To provide sufficient funds for tax billing and collection performed by County.

Parks and Recreation

It is recommended that the following transfers be authorized:

(1) Transferred From:

01-2-6020-0622	Mowers	$ 2,000.00

Transferred To:

01-2-6020-0604	Trucks	$ 2,000.00

Purpose:

To provide adequate funds to cover the purchase of a body and tailgate for flatbed truck.

(2) Transferred From:

18-2-1000-0001	Amusement Reserve	$ 3,762.00

Transferred To:

18-2-1000-0726	Safes	$ 3,762.00

Purpose:

To provide safes and their installation at nine facility sites for better security of City funds collected.

Public Utilities

It is recommended that the following transfers be authorized:

(1) Transferred From:

06-2-7090-0260	Office Supplies	$ 1,300.00

Transferred To:

06-2-7090-0225	Repairs to Building	$ 1,300.00

Purpose:

To provide funds needed due to unexpected costs of alarm system maintenance.

(2) Transferred From:

06-2-7100-0002	Contingency	$ 3,259.33

Transferred To:

37-2-8980-0202	Lassiter Mill	$ 3,259.33

Purpose:

To provide the Public Utilities Department's share of the City's obligation for pump station for Lassiter's Mill Subdivision.

(3) Transferred From:

06-2-7100-0002	Contingency	$30,000.00

Transferred To:

06-2-7100-0515	Aeration Interest	$30,000.00

Purpose:

To provide funds for FY 85 interest payment to Southern National Leasing for Wastewater Treatment Plant aeration equipment.

Public Works

It is recommended that the following transfer be authorized:

Transferred From:		
01-2-5060-0297	Gas, Oil, Grease	$100,000.00
01-2-5060-0298	Tires & Tubes	30,000.00
		$130,000.00
Transferred To:		
01-2-5060-0299	Resale Parts & Supplies	$130,000.00

Purpose:

To provide sufficient funds to complete balance of fiscal year and adjust accounts within the Equipment Service Center Budget.

Transportation

It is recommended that the following transfer to authorized:

Transferred From:		
42-2-9010-0291	Operating Deficit	$120,000.00
Transferred To:		
42-2-9010-0500	Transit Expense	$120,000.00

Purpose:

To provide funds to cover a deficit in the transit expense account. Our revenues have exceeded the projections, thereby showing a "deficit" on transit expense and a large balance in operating deficit. This transfer is actually City monies that will not be spent on transit subsidy.

Adopted: 6/18/85

Effective: 6/18/85

REQUESTS AND PETITIONS OF CITIZENS

***ENCROACHMENT -1420 DIGGS DRIVE - DENIED

Representatives of Guy C. Lee Manufacturing Company had requested an encroachment agreement for a chain link fence at 1420 Diggs Drive. No one was at the meeting. City Manager Benton indicated this is located off of Kirkland Drive and is a 41-foot street on a 60-foot right-of-way. He explained the chain link has been installed about 1 foot behind the curb and encroaches on City right-of-way by some 8½ feet. He indicated vehicles park up to the fence and Administration would recommend that this encroachment not be permitted. Mrs. Block moved Administration's recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SEWER LINE ABANDONMENT AND RELOCATION

Penny Greene, representing the Fletcher Group, was at the meeting to request the Council to abandon approximately 235 feet of an existing sewer line and easement and to approve the relocation and the dedication of a new easement. Ms. Greene indicated after the site plan was approved on a project on New Bern Avenue, they realized that the sewer was located incorrectly and they feel that this is a realistic solution to the problem. City Manager Benton explained the sewer line was not correctly identified when the site plan was prepared. He stated the relocation is no problem, however, he believes the proper action would be to advertise an exchangement of the sewer easement. Mr. Walters moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION (1985) 833

A RESOLUTION OF INTENT TO EXCHANGE SANITARY SEWER EASEMENTS

WHEREAS, because of an error it has become necessary to relocate an existing sanitary sewer line situated in the Wakefield Subdivision, Lots A-2 and B.

WHEREAS, in order to effectuate the relocation the City has received a proposal to exchange sanitary sewer easement formally dedicated to the City for a new sanitary sewer easement. The present easement and the new sanitary sewer easement are shown on a map available in the City Clerk's Office dated July 17, 1985.

WHEREAS, the value of property interest involved is estimated to be the same and no other consideration is proposed to be exchanged.

WHEREAS, the City Council intends to consider authorizing such an exchange of easement at its regular meeting to be held on the 6th day of August, 1985.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. That the City Clerk shall cause to be published at least ten days prior to the 6th day of August, 1985, a notice of the proposed exchange as required by General Statutes 160A-271.

2. At its regular meeting on the 6th day of August, 1985, the City Council intends to authorize the exchange of property as described.

Adopted: June 18, 1985

Effective: June 18, 1985

***TOWING CONTRACTORS - REQUEST FOR REVIEW IN CONTRACT RATE - REFERRED TO LAW AND FINANCE COMMITTEE

Attorney Eric A. Vernon, representing several towing contractors under the City's towing contract, was at the meeting to make a presentation in support of adjustment in the towing contract rate and rate allocation as well as to request an extension of the present contracts while the matter is under consideration. Attorney Vernon presented Council Members with a list showing the names of the contractors he is representing. He briefly went over the proposal with Councilman Keller pointing out this is a detailed proposal and he feels that it should be referred to Committee. Mayor Upchurch indicated he felt that Administration needed to look at the proposal and report to Committee and without objection, he would refer the item to Law and Finance Committee.

***HANDICAP PARKING - EAST MARTIN STREET - REFERRED TO ADMINISTRATION

Betty J. Jones indicated she was stricken with multiple sclerosis several years ago. She indicated, however, she has been able to go back to work but the area where she works has no available parking and she would like for the Council to consider placing a handicapped zone on East Martin Street to allow her to be able to work. City Manager Benton indicated that the City does try to work with individuals in trying to locate a place for the handicapped to park. He indicated we have not been accustomed to marking off handicapped spaces on the street as Administration feels it is safer if these can be off-street parking places. He indicated Administration would like an opportunity to work with Ms. Jones to try to solve her problem rather than putting an on-street handicap zone. Without objection, the item was referred to Administration.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

***PU 1983-16 - CREEDMOOR ROAD - HEARING - RESOLUTION CONFIRMING COST ADOPTED

A hearing to consider confirming cost for the installation of a sewer main in Creedmoor Road according to charges outlined in Resolution 819, adopted May 21, 1985 (PU 1983-16). Chief Engineer Thomas explained the work that had been completed. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution confirming cost as outlined. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 834

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL NO. 1020

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 18th day of June, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution No. (1985) 819 adopted on the 21st day of May, 1985, which assessments appear on "The

City of Raleigh Special Sewer Assessment Roll No. 1020," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference hereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: June 18, 1985

***PU 1983-16 - CREEDMOOR ROAD - HEARING - RESOLUTION ADOPTED

A hearing to consider adoption of a resolution confirming charges for the installation of a sewer main in Creedmoor Road according to charges outlined in Resolution 1985-820, adopted on May 21, 1985. The property owners covered by this assessment roll live outside the City Limits; therefore, the assessment would be due when the properties are annexed or upon tap-on to the line. Chief Engineer Thomas explained the location and the work that has been completed. The Mayor opened the hearing to the public. No asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor moved the motion adopted.

RESOLUTION NO. (1985) 835

A RESOLUTION CONFIRMING SPECIAL SEWER ASSESSMENT ROLL NO. 1020A

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 18th day of June, 1985, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution NO. (1985) 820 adopted on the 21st day of May, 1985, which assessments appear on "The City of Raleigh Special Sewer Assessment Roll No. 1020A," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: June 18, 1985

Effective: Upon Annexation or Connection to the Line

***STREET, SIDEWALK AND PUBLIC UTILITY IMPROVEMENTS - VAN THOMAS ROAD - HEARING - RESOLUTIONS ADOPTED

A hearing to consider the installation of curbs, gutters, drains, and paving forty-one feet back-to-back for an extension of approximately 200 feet of Van Thomas Road from the new development tract to Newton Road with a sidewalk on one side and the installation of approximately 200 feet of six-inch water main in the same location. The assessment for the water main would be on the front footage basis (PU 1985-16). Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing to the public.

Lee Barham, 430 Weathergreen, was at the meeting indicating he is an adjacent property owner on the east side of the proposed road extension. He indicated this was the first time he had an opportunity to see a map. He questioned if this improvement will be assessed to property owners on both sides. Chief Engineer Thomas indicated the assessment would be against property owners only on the east side as there is a easement between the adjacent property and the street on the west side. In response to questioning, Mr. Thomas indicated the assessment to Mr. Barham or the people on the east side would be the same whether or not the property owners on the west side are assessed. He indicated the charges would be $12.00 per lineal foot of frontage for the street, $3.50 for the sidewalk per foot and then an assessment for the water main. He indicated this would be the same whether or not there was an assessment to the property owners on the west side. After brief discussion, the hearing was closed and Mr. Congleton moved adoption of a resolution directing the projects as advertised. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor moved the motion adopted.

RESOLUTION NO. (1985) 836

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEMS OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFORE

WHEREAS, By virtue of ARticle 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1985-10 - Installation of approximately 400 feet of eight-inch sanitary sewer main in Duraleigh Road beginning at the intersection of Duraleigh Road and Pleasant Valley Road from existing manhole north with assessment on the per lot basis to apply.

PU 1985-13 - Installation of approximately 420 feet of six-inch water main beginning at the intersection of North Blount Street and Cedar Street, continuing eastward in the right-of-way of the 200 Block of Cedar Street with assessment on the front footage basis to apply.

PU 1985-14 - Installation of approximately 580 feet of eight-inch water main beginning at the intersection of Pleasant Valley Road, continuing north along Grove Church Road with assessment on front footage basis to apply.

PU 1985-16 - Installation of approximately 200 feet of six-inch water main beginning at the intersection of Newton Road and Van Thomas Drive, continuing southward 200 feet in the Van Thomas Drive right-of-way with assessment on the front footage basis to apply.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: See above.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: June 18, 1985

RESOLUTION NO. (1985) 837

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATION DESCRIBED HEREIN AND THE COST THEREOF ASSESSED . . .

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of curbs, gutters, drains and paving forty-one feet back-to-back for an extension of approximately 200 feet of Van Thomas Drive from the new development tract to Newton Road with a sidewalk on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 180, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution NO. 180 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street and adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: June 18, 1985

***PU 1985-10 - DURALEIGH ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 400 feet of eight-inch sanitary sewer main in Duraleigh Road with assessment on the per lot basis to apply (PU 1985-10). Chief Engineer Thomas explained the location of the proposed improvements. The Mayor opened the hearing.

A representative of Elk Electric Company questioned the location pointing out the sewer was installed in front of his property approximately three weeks ago. It was pointed out that the gentleman was speaking of another project as this particular project does not involve Elk Electric.

A representative of Gardner Properties was at the meeting in support of the proposed improvements. No one else asked to be heard, thus the hearing was closed. Mrs. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 836.

***PU 1985-13 - BLOUNT/CEDAR STREETS - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 420 feet of six-inch water main beginning at the intersection of North Blount Street and Cedar Street, continuing eastward in Cedar Street, with assessment on the front footage basis to apply (PU 1985-13). Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mrs. Cates moved adoption of a resolution directing the improvement as advertised. Her motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 836.

***PU 1985-14 - PLEASANT VALLEY/GROVE CHURCH ROADS - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 580 feet of eight-inch water main beginning at the intersection of Pleasant Valley Road and Grove Church Road, continuing north in Grove Church Road, with assessment on front footage basis to apply (PU 1985-14). Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing.

Joe Ellen, representing Elk Electric Company, was at the meeting in support of the installation of the line as advertised. No one else asked to be heard, thus the hearing was closed. Mrs. Cates moved adoption of a resolution directing the project as advertised. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 836.

***STREET, SIDEWALK AND PUBLIC UTILITY IMPROVEMENTS - NEW HOPE CHURCH ROAD EXTENSION - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the installation of curbs, gutters, drains and paving forty-one feet back-to-back for an extension of New Hope Church Road from Benson Drive, westward to the eastern property line of North Raleigh Properties, according to agreement between the City and North Raleigh Properties with sidewalk to be constructed on one side and the installation of approximately 5,310 feet of twelve-inch water main in the same location with assessment on the front footage basis to apply (PU 1985-15). Chief Engineer Thomas explained the proposed improvements. The Mayor opened the hearing.

Mr. Walters indicated the map available at the meeting is a little different than the maps he had seen before and the map in the Agenda packet. He indicated he feels there is enough confusion on the location that he feels this should be referred to Public Works Committee for further discussion.

A. Tom Anderson, 400 Oberlin Road, was at the meeting representing Alex Andrews and John A. Williams, Jr., property owners. Mr. Anderson gave a history of the proposed street improvements and extension to New Hope Church Road beginning in July of 1974. He presented information relative to meetings held with City staff, locations of the proposed extensions shown on the road, zoning cases - Z-86-80 and Z-72-84 relating to the location of the extension of New Hope Church Road. He explained involvement of North Raleigh Properties purchasing property, the City of Raleigh amending its Thoroughfare Plan and his clients' efforts to subdivide their property. He indicated this proposed alignment would be injurious to his clients' property.

Attorney Richard Titus, representing Alex Andrews and John A. Williams, Jr., indicated his clients object to this extension. He indicated they object to the extension of the road based on the present proposed location as it causes them problems relating to following the natural contour of the land. He indicated apparently no studies have been made to see if alternate routes would be better. He stated this proposed route would cause substantial damage to his clients' property. He stated they are aware of the contract between the City of Raleigh and North Raleigh Properties in which North Raleigh Properties will be responsible for road construction costs exceeding $85,000. He stated he did not think that agreement had been secured by a bond. He stated his clients are willing to construct and dedicate the extension of this road pointing out they have offered this in the past in their attempts to rezone and subdivide their property. He indicated he would like for the Council to waive the two-year waiting period in order to allow his clients an opportunity to resubmit a rezoning application and subdivide the property and in doing so, the City could require his clients to comply with all subdivision regulations, etc., and get the road constructed and dedicated which would benefit everyone.

No one else asked to be heard, thus the hearing was closed.

Mr. Walters indicated he was sure that Mr. Titus and Mr. Anderson were not aware of all of the study that has gone on relating to this proposed extension. He indicated the engineering work has been done. He stated the problem he has is that it looked like the extension of this road and Quail Hollow Drive would be connected and he does not feel that should be the case and he would be opposed to that. Mr. Congleton agreed that a tremendous amount of study has gone on and he would hope that the Public Works Committee would recognize that and would study the proposal with that in mind. Without objection, the item was referred to Public Works Committee.

***ANNEXATION - NORTH CAROLINA STATE PROPERTY - HEARING - ORDINANCE ADOPTED EFFECTIVE JULY 31, 1985; MAYOR AUTHORIZED TO EXECUTE MEMORANDUM OF UNDERSTANDING; ADMINISTRATION AUTHORIZED TO PROCEED TO ESTABLISH ZONING ON PROPERTY

This was a hearing to consider the petitioned annexation of North Carolina State property, west of the current Raleigh City Limits. The annexation covers property known as William B. Umstead State Park and others. City Manager Benton explained the area in question and briefly explained the report as to how services would be provided to the area. Mr. Benton explained the proposed Memorandum of Understanding involving land use presenting Council Members a copy of the proposed memo. He indicated there are several technical corrections relating to the metes and bounds description but they do not affect the map as they were typographical errors. The Mayor opened the hearing to the public.

Dr. William Davis, representing the Department of Natural Resources - State Parks Division, was at the meeting supporting the Memorandum of Understanding pointing out he feels that is needed to help protect the park land. He indicated he feels the execution of the Memorandum of Understanding is the first step of a joint effort for proper land use planning in the area of the park and protection for the park. He urged the Council to adopt the Memorandum of Understanding.

Alan Pugh, Deputy Secretary of the Department of Administration, indicated he was at the meeting to answer questions. He indicated the State did petition for annexation in response to a request from the City. He indicated they are in support of the annexation.

Bernadine Weddington, 4814 Brookhaven Drive, spoke in opposition to the annexation of some 6,800 acres of park land. She indicated she is opposed to this as she feels it is being done to benefit the Harlon Group. She stated the City will lose approximately $7,400 in water and sewer revenue and the addition of State land to the corporate limits will not increase our tax base. Ms. Weddington expressed appreciation to City Manager Benton for his letter and comments about the proposed Briar Creek annexation.

Thad Eure, Jr., indicated he was in support of the proposed annexation. He indicated he has been a property owner on U.S. 70 West for approximately twenty-five years and has always favored an orderly growth and he feels the guidance of the City of Raleigh is needed for orderly growth in this area. He indicated, in addition, he supports the Harlon Group annexation.

A gentleman who indicated he was a Raleigh resident stated he was in support of the annexation for three main reasons. He stated the Umstead Park and surrounding area is a valuable growth area for the City of Raleigh. He stated we need to create more places for employment in this area and he feels that water and sewer in this area will promote growth. He indicated approximately a year ago his brother wanted to build a high-tech industry in the Research Triangle Park but when he found he had to use a septic tank, he took his investment to California. He stated, in his opinion, we do need water and sewer and roads in this area to attract high-tech industry. He stated, in addition, it would help Umstead Park pointing out if some tragedy occurred and a lot of water is needed in that area, he does not feel that presently Umstead Park would have enough water to respond to a situation.

Attorney Nancy Essex, representing Spruill and Spruill who represents the Harlon Group, spoke in support of the annexation of the State property pointing out it isn't necessary for the City to annex the State's property in order to act favorably on Harlon annexation. She indicated the annexation of the State's property is to the City's benefit. She stated garbage collection to State property would be paid for by the State and the State has its own park rangers so there would not be that much service needed to the area. She stated, however, it would give the City a large park in its corporate limits and also allow the City to expand its ETJ in this area. She indicated it will help in the orderly growth of the area and it will benefit the State property to be a part of the City of Raleigh and that will benefit all citizens including present Raleigh citizens. She explained that the Harlon Group has entered into agreements relating to the extension of water and sewer and she feels this will be a benefit to the State property to have access to the City of Raleigh water system. She indicated with the City water and sewer being extended into this area, it will alleviate sewer package plants from springing up in the area. She stated the Harlon Group applauds the work and the foresight of the City and State in bringing this property into the City of Raleigh. She called on the City Council to annex the property and execute the Memorandum of Understanding. No one else asked to be heard, thus the hearing was closed.

Mr. Congleton indicated, in his opinion, any municipality the size of Raleigh would jump at the opportunity to have something like Umstead State Park within its City Limits. He stated the City is always striving toward having additional open space to help maintain the quality of life, therefore, he would move adoption of an ordinance annexing the property as advertised effective July 31, 1985. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 590

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS STATE PROPERTY - WILLIAM B. UMSTEAD STATE PARK

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on June 18, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of July 31, 1985:

EXHIBIT A

ANNEXATION DESCRIPTION OF THE WILLIAM B. UMSTEAD STATE PARK

PROPERTY OF THE STATE OF NORTH CAROLINA

Beginning at a point, said point being in the center line of Ebenezer Church Road S.R. No. 1649 and being a common corner between the William B. Umstead State park and land now or formerly belonging to Edgar D. Baker (coordinate location N 759,352.203 E 2,082, 335.477) and also being 900 feet more or less in a northwesterly direction along the center line of Ebenezer Church Road from the center line of Richland Creek, thence N 84° - 42' - 35" W 361.28 feet, thence S 50° - 12' - 26" W 612.99 feet, thence N 65° - 49' - 08" W 656.67 feet to a point in a Carolina Power and Light Company right-of-way (coordinate N 759,216.434 E 2,080,904.497) thence S 01° - 29' - 15" W 1313.63 feet thence S 01° - 29' - 34" W 396.02 feet, thence N 67° - 35' - 16" W 413.56 feet, thence S 40° - 07' - 05" W 1238.51 feet, thence N 52° - 31' - 04" W 582.65 feet thence S 68° - 20' - 44" W 523.82 feet, thence N 73° - 20' - 46" W 55.99 feet, thence S 57° - 12' - 14" W 198.41 feet to a point in the center line of S.R. 1775, thence N 48° - 56' - 46" W 10.81 feet along said center line to a point at the intersection of the center line of S.R. 1775 and S.R. 1655, thence along the center line of S.R. 1775 in a northwesterly direction a distance of 415 feet more or less to a point, thence S 03° - 37' - 13" W 402.22 feet along the eastern property of land formerly Milton Kramer land, thence N 88° - 11' - 22" W 1301.83 feet, thence N 88° - 25' - 20" W 900.08 feet, thence S 00° - 16' - 33" E 1458.16 feet, thence N 80° - 48' - 47" W 572.61 feet, thence N 80° - 49' - 35" W 171.63 feet, thence N 89° - 02' - 52" W 562.29 feet, thence N 89° - 18' - 53" W 871.02 feet, thence N 01° - 12' - 04" E 915.31 feet more or less to a point in the center line of Nealy Creek, thence along the center line of said creek and referenced by a survey reference line N 70° - 13' - 42" W 712.02 feet, thence N 01° - 07' - 35" W 347.26 feet, thence N 55° - 46' - 25" W 558.36 feet, thence N 88° - 48" - 37' W 570.44 feet, thence N 00° - 27' - 49" E 929.61 feet, thence S 89° - 54' - 28" W 1127.22 feet to a point in the eastern right-of-way of S.R. No. 1654, thence N 89° - 38' - 52" W 146.51 feet to a point in the western right-of-way of S.R. 1654, thence N 89° - 35' - 37" W 456.14 feet, thence N 00° - 00' - 37" W 264.33 feet, thence N 00° - 30' - 34" W 579.97 feet, thence N 00° - 12' - 48" W 811.75 feet, thence N 00° - 50' - 55" 1299.84 feet to a stone marker with pointers on the bank of Crabtree Creek, said property corner is the center line of Crabtree Creek and witnessed by said stone marker, thence along the center line of Crabtree Creek and referenced by survey line the following bearings and distances N 73° - 12' - 24" W 96.81 feet, S 37° - 26' - 08" W 93.12 feet, S 82° - 07' - 08" W 121.20 feet, N 62° - 48' - 22" W 135.34 feet, N 47° - 02' - 52" W 327.13 feet, N 57° - 54' - 52" W 243.38 feet, N 55° - 46' - 22" W 423.37 feet, N 46° - 49' - 22" W 227.65 feet, N 33° - 10' - 22" W 183.41 feet, N 26° - 13' - 22" W 64.39 feet, N 04° - 38' - 07" W 76.92 feet, N 18° - 53' - 07" W 127.94 feet, N 17° - 16' - 37" W 126.19 feet, N 88° - 44' - 52" W 292.02 feet, S 61° - 12' - 08" W 179.89 feet, S 49° - 55' - 08" W 101.65 feet, S 30° - 54' - 38" W 187.73 feet, S 03° - 04' - 22" E 109.04 feet, S 15° - 01' - 38" W 10.14 feet, thence N 87° - 46' - 52" W 2350.23 feet, thence N 00° - 04' - 17" W 393.35 feet, thence N 05° - 31' - 30" E 236.92 feet, thence N 01° - 39' - 00" E 166.77 feet thence N 87° - 22' - 30" W 5.74 feet to a concrete monument number 7590 and being a common corner between William B. Umstead State Park and the Raleigh-Durham Airport Authority, thence N 02° -11' - 39" E 852.00 feet, thence N 02° - 11' - 39" E 217.00 feet, thence N 02° - 11' - 39" E 789.77 feet, thence N 02° - 11' - 39" E 339.42 feet, thence N 87° - 12' - 00" W 2120.05 feet along a common line between William B. Umstead State Park and the Raleigh-Durham Airport Authority to a point, thence along said common line N 03° - 45' - 36" W 1609.02 feet to monument number 6913, thence N 87° - 34' - 37" E 1824.24 feet to a monument number 6916 at a branch, thence along the center line of said branch as described by a survey line the following bearings and distances N 44° - 36' - 07" E 83.28 feet, S 82° - 02' - 41" E 69.24 feet, N 67° - 23' - 54" E 59.92 feet, S 70° - 45' - 36" E 99.92 feet, N 43° - 23' - 37" E 206.67 feet, N 25° - 41' - 24" E 183.42, N 48° - 32' - 52" E 97.06 feet, S 88° - 18" - 14" E 65.09 feet, N 88° - 48' - 45" E 79.65 feet, N 81° - 03' - 43" E 132.04 feet, N 74° - 00' - 56" E 112.19 feet, N 69° - 27' - 40" E 101.83 feet, N 16° - 32' - 11" E 54.50 feet, N 82° - 06' - 28" E 169.71 feet N 30° - 11" - 08" E 44.87 feet, S 67° - 05' - 50" E 173.94 feet, S 83° - 21' - 42" E 86.58 feet, S 86° - 19' - 43" E 189.26 feet, thence N 01° - 03' - 48" E 1132.85 feet to a monument number 6919 thence S 86° - 47' - 33" E 1116.19 feet, thence S 36° - 30' - 22" E 334.95 feet to monument number 6923, thence N 59° - 01' - 02" E 458.80 feet, thence N 37° - 06' - 48" E 1336.21 feet to monument number 6928, thence N 45° - 39' - 13" W 2269.70 feet to monument number 6932, thence N 02° - 16' - 04" E 3836.95 feet to monument number 6935 thence N 76° - 07' - 54" W 538.38 feet to monument number 6937, thence N 07° - 16" E 212.01 feet, thence N 27° - 02' - 04" W 132.64 feet, thence N 53° - 48' - 39" E 247.26 feet, thence S 55° - 30' - 51" E 450.23 feet, thence N 02° - 25' - 51" E 263.80 feet, thence N 56° - 34' - 48" E 370.40 feet, thence along the center line of Sycamore Creek as described by a survey line the following bearings and distances N 51° - 01' - 39" E 127.85, N 30° - 37' - 56" E 151.89 feet, N 03° - 55' - 12" W 202.46

feet, N 63° - 33' - 06" W 135.09 feet, N 16° - 15' - 53" W 269.93 feet N 27° - 39' - 34" W 134.56 feet to monument number 6945, thence S 87° - 02' - 45" E 1788.86 feet, thence N 01° - 34' - 39" E 1000.08 feet, thence N 00° - 19' - 57" E 813.24 feet, thence N 02° - 10' - 45" W 431.12 feet, thence N 00° - 15' - 54" W 728.43 feet, thence S 86° - 49' - 55" E 1195.93 feet, thence S 89° - 48' - 59" E 99.91 feet, thence S 89° - 44' - 18" E 999.71 feet, thence S 00° - 01' - 18" E 337.11 feet, thence S 01° - 38' - 41" W 150.05 feet, thence S 01° - 10' - 04" W 294.32 feet, thence S 87° - 56' - 45" E 1262.30 feet, thence N 03° - 44' - 41" E 672.95 feet to monument number 6967 and being in the southern right-of-way of U.S. Highway 70, thence along said right-of-way S 50° - 00' - 55" E 1062.67 feet to monument number 6976, thence N 89° - 24' - 21" W 352.46 feet, thence S 00° - 51' - 53" E 2168.98 feet, thence S 89° - 16' - 40" W 384.72 feet, thence S 01° - 48' - 23" W 660.06 feet, thence S 00° - 05' - 27" W 549.21 feet, thence S 08° - 24' - 35" W 131.71 feet to a point in the center line of Pat's Branch, thence along the center line of Pat's Branch referenced by a survey line the following bearings and distances S 58° - 16' - 08" W 223.67 feet, S 37° - 28' - 43" W 246.57 feet, S 22° - 23' - 37" W 378.93 feet, S 01° - 51' - 55" E 209.07 feet, S 46° - 11' - 32" W 204.67 feet, S 11° - 04' - 50" W 127.43 feet, S 46° - 02' - 17" W 232.83 feet, S 31° - 52' - 40" W 301.13 feet, thence S 86° - 52' - 32" E 1350.54 feet, thence S 04° - 39' - 41" W 1541.44 feet, thence S 87° - 06' - 19" E 785.15 feet, thence S 83° - 54' - 46" E 639.44 feet, thence S 09° - 41' - 33" W 696.31 feet thence S 89° - 00' - 34" E 1446.79 feet, thence S 00° - 09' - 32" W 205.80 feet, thence S 02° - 31' - 27" W 464.95 feet, thence S 12° - 38' - 44" W 174.24 feet, thence S 00° - 20' - 49" W 193.41 feet, thence S 89° - 23' - 14" E 1207.16 feet, thence S 86° - 41' - 51" E 217.60 feet to a point in the center line of Ebenezer Church Road S.R. No. 1649, thence along the center line of said road (S.R. No. 1649) a distance of 12,598.11 feet to the point and place of beginning and located by North Carolina Grid point N 759,352.203 E 2,082,335.477. This description is taken from a map entitled Property of the State of North Carolina William B. Umstead State Park prepared by John S. Lawrence, R.L.S. and Bennie R. Smith R.L.S. dated January 14, 1977 and on file in the office of the State Property Control Officer.

ANNEXATION DESCRIPTION OF A PART OF WILLIAM B. UMSTEAD STATE PARK

Beginning at a point said point being in the northern right-of-way of U.S. Highway 70 West and being monument number 6968 and also being approximately 200 feet in a northerly direction from monument number 6967, in the southern right-of-way of U.S. Highway 70 West, thence N 02° - 12' - 15" E 285.23 feet to monument number 6969 thence S 89° - 58' - 12" E 961.74 feet, thence S 89° - 58" - 12" E 298.93 feet to monument number 6971 thence S 02° - 08" - 28" W 907.16 feet, thence S 02° - 01" - 20" W 299.94 feet, thence N 89° - 24" - 21" W 129.48 feet to monument number 6975 and being in the northern right-of-way of U.S. Highway 70 West, thence along said northern right-of-way N 50° - 00" - 55" W 1432.62 feet to the point and place of beginning being 22,9314 acres of the William B. Umstead State Park property according to a map by John S. Lawrence Registered Surveyor and Bennie R. Smith Registered Surveyor dated January 14, 1977.

ANNEXATION DESCRIPTION OF PROPERTY OF THE STATE OF NORTH CAROLINA AND NORTH CAROLINA STATE UNIVERSITY

Beginning at a point, said point being in the western right-of-way of the Raleigh Beltline (Cliff Benson Freeway) and the intersection of the southern property line of Meredith Woods Subdivision and being a common corner between Meredith Woods Subdivision and the North Carolina Art Museum property, thence in a southerly direction along said western right-of-way distance of 1000 feet more or less to the right-of-way of Ramp B, N.C. D.O.T. Project No. 8.1409703 thence along said right-of-way a distance of 2125 feet more or less to a point in the northern right-of-way of Wade Avenue Extension N.C. D.O.T. Project 8.1409703, thence in a westerly direction along said northern right-of-way a distance of 11,700 feet more or less to a point at the intersection of said right-of-way and the center line of Richland Creek at approximately station 603+60' (N.C. D.O.T. Project 8.140970) and being a point in the western boundary of the Carl Alwin Schenck Memorial Forest, thence with the meanders of Richland Creek 894.3 feet more or less to a point thence N 36° - 25' W 564.3 feet to a point, thence N 5° - 00' W 636.9 feet to a point, thence S 87° - 10' E 1009.8 feet to a point in the center line of Richland Creek, thence with the meanders of Richland Creek in a northerly direction along the western boundary of Schenck Forest a distance 3240 feet more or less to a point in the center line of Reedy Creek Road (now S.R. 1775), from a map of Carl Alwin S. Schenck Memorial Forest by T. O. Hilburn dated May 30, 1957, thence in a northeasterly direction along the meanders of Richland Creek a distance of 1114 feet more or less to a point, thence N 4° - 25' E 1600 feet more or less to a point said point being a common corner between the William B. Umstead State Park property and North Carolina State University, thence N 4° - 25' E 396.02 feet along a common line between the William B. Umstead State Park property and North Carolina State University property thence S 88° - 30' E 415 feet to a point, thence S 3° - 45' W 1403 feet, thence S 89° - 25' E 191 feet, thence S 3° - 50' W 949 feet, thence S 80° - 40' E 818 feet, thence N 3° - 30' E 1640 feet more or less to a point in the center line of Great Arm Branch or Big Creek, thence with the meanders of said branch in a southeasterly direction 5154 feet more or less to a point, thence S 4° - 45' W 370 feet, thence S 84° - 30' E 1845 feet, thence S 4° - 15' W 1590 feet, thence S 3° - 00' W 894 feet, thence S 84° - 40' E 2664 feet thence S 1° - 50' E 662 feet, thence S 3° - 00' E 609 feet, thence S 86° - 00' E 1640 feet

St. Mary's Street indicated she and her family are charter members of White Memorial Church. She indicated when she got married, she chose a home on St. Mary's as it was a quiet neighborhood and near the church. She indicated she lived on St. Mary's where Colonial intersects and told of problems when they have traffic on Colonial going onto St. Mary's. She explained children used to be picked up by the school bus on Colonial but that the buses had been rerouted because of the safety problems already on Colonial. She indicated four years ago she tried to sell her house but couldn't determine the value, citing the traffic on Colonial, etc. Annie Mae Andrews, 1912 Craig Street indicated she had lived in the area thirty years and McDonald Lane used to be two-way. She indicated if we close McDonald Lane, she feels it will only be a short time before Colonial Drive is made one-way. She stated she just did not want the street to be taken away and urged the Council not to close McDonald. Ed Avery, 2724 Cambridge Road, indicated McDonald belongs to the people of Raleigh, not White Memorial Church. He stated it is one of the older streets in Raleigh and Raleigh is growing all the time. He cited examples of the number of cars that are sold pointing out we need to open new streets instead of closing old ones. Mrs. George Cherry indicated she was the second person to move to Craig Street and she still uses McDonald Lane almost daily. She stated using a public street, in her opinion, is a privilege and she doesn't mind sharing it but she does not want this privilege taken away from her. She stated it is difficult for her to get to Craig Street from Oberlin because of the traffic, therefore, she uses McDonald Lane and would like to continue to do so. Meggin Horne, a resident of McDonald Lane, asked the Council to maintain the present status of McDonald. She indicated during busy traffic times, McDonald Lane almost becomes a parking lot because of the people picking up children, etc. She indicated the closing will take away some of the neighborhood's protection as it will allow a different scale of development. She indicated the problem of safety is a concern to her because mothers pick up and drop off children on McDonald Lane. She indicated when she learned that there was a proposal to close the street, she applauded the effort as she thought it was related to the safety, however, it is evidently related to the church expansion.

Also speaking in opposition was Dr. Charlotte Brown who spoke to identify of neighborhoods, access, security, etc., asking the Council not to close McDonald Lane. Eleanor Winel of the Wade CAC indicated on May 20, they voted to oppose the street closing. She indicated the traffic problems that would be created by the closing, she feels outbalances the positive points of closing. She indicated the information available at the meeting indicated no more parking would be provided by the closing and that the issue is safety and two-thirds of the traffic is church-related traffic and she feels that it is an internal problem. Wright Dixon, a resident of Marlowe Road who owns a duplex on St. Mary's Street immediately behind the church property, spoke in opposition pointing out he feels that what is proposed would seriously affect and depreciate his property. Also speaking in opposition was Dave Heater, 2012 St. Mary's Street. He indicated the burden of proof is on White Memorial Church if they want to get the street closed. He indicated they already have an adverse impact on the neighborhood and if the street is closed, he feels it would be worse. He, too, indicated the closing would make the traffic problems on Colonial Drive worse. He stated, in his opinion, the safety issue is a sham but if that is the problem, it could be addressed in other ways. He indicated if the Council closes the street, it would have no control over what they are doing except through the Zoning Ordinance. David Call, 2013 St. Mary's Street indicated he has lived in the area over eight years. He questioned who guards this institution at night pointing out he lives next to it and when the burglar alarms go off, etc., who calls the police. He indicated his house backs up to McDonald Lane and if the street is closed, then there would be no way for the traveling public to see the back of his house which, in his opinion, offers protection.

Attorney Tom Worth gave out a December 3 letter written by Wright Dixon for the Council's information. He indicated he feels that White Memorial has been in consultation with the neighbors of the church and if they have not been good neighbors in the past or good stewards, they do apologize. He stated almost everyone who has spoken are neighbors in a neighborhood. He indicated some people have stated they had not been consulted about the plan but he thought he recalled those same people being in earlier meetings. He indicated exception has been taken to the City staff's comments but pointed out the City staff are the professionals hired by the City Council. He indicated the property values in this area have remained strong and are growing and gave some recent figures on sale of property and how much it has appreciated in the past few years. He indicated several comments have been made that White Memorial Church has to have the land which is occupied by McDonald Lane to expand but that is totally untrue as they have owned lots for 34 and 25 years respectively that they could have utilized to build on. Mr. Zimmerman gave times that Kimley-Horn had made the traffic counts, pointing out there have been some comments made about the validity of the traffic count. He indicated the traffic counts used were made by the City of Raleigh. He spoke briefly to the plan for expanding the church and improvement of the internal circulation of traffic. It was pointed out that McDonald Lane would not be closed to pedestrian traffic as there would be a 10-foot, mostly covered, walkway from Colonial to Oberlin Road. No one else asked to be heard, thus the hearing was closed.

Discussion took place on the procedure to take at this point with Mr. Congleton indicating he had heard a lot of information at today's meeting and he is having a problem digesting it all, therefore, he feels that maybe a decision should be delayed. Mrs. Cates indicated the quality of this hearing she feels was as high as she had ever heard. She pointed out everyone had done their homework. She stated regardless of what action is taken, she feels that we must address the safety issue

and she would like to at least have our department of transportation go out and see what recommendations they might make to the Council about increased safety factors of this whole area. Mayor Upchurch indicated this is an issue that sooner or later the Council is going to have to vote on. He indicated the one issue he faces every day is the moving of traffic in the City of Raleigh. He stated we have neighborhood after neighborhood that is protected by cul-de-sacs, closed streets, etc. He stated, in his opinion, we have got to build streets and we must learn to share the traffic problems that our City has. He stated he did not feel that we could begin closing streets as he feels we are trying to build streets to help move traffic. Mr. Calloway indicated he, too, had heard some things today that he would like to have an opportunity to further digest, therefore, he would move that the Council hold this and place it on the July 2 Agenda as a Special Item for further consideration. His motion was seconded by Mr. Congleton. Mayor Upchurch indicated that would be fine but it would not be another public hearing. It would just be a vote of the Council at that time. Ms. Babb indicated, in her opinion, this is a very tough case and she notes it is hard for the church people who are divided on the issue. She stated, however, the bottom line is it is the responsibility of the City Council to make a decision that is in the best interest of the total City. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***STREET CLOSING - KINDLEY STREET - HEARING - RESOLUTION DIRECTING CLOSING ADOPTED

This was a hearing to consider the permanent closing of a portion of Kindley Street. The hearing is pursuant to petition, resolution of intent, notification, and advertisement as required by law. City Manager Benton explained the proposed street closing. He indicated the site is presently under site plan review for CP&L Company Data Center, PA-48-85. He indicated, following staff review, Administration recommends that the street be closed with the understanding that a cul-de-sac to City standards be constructed at the end of the subject closing and that a minimum 30-foot wide easement be retained for existing water and sewer lines in the subject right-of-way. Mayor Upchurch opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution closing the street as advertised with the conditions outlined by the Manager. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 839

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF KINDLEY STREET AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Kindley Street right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Kindley Street be closed permanently as follows:

Kindley Street located south of the railroad bridge and contiguous to K1 and K2, South Side Urban Renewal Project
***Conditions - Listed Below

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 6/18/85

Effective: See Conditions

***Conditions: (1) That a cul-de-sac to City standards be constructed at the end of the subject closing; (2) That a minimum 30-foot wide easement be retained for existing water and sewer lines in the subject right-of-way.

***STREET CLOSING - SOUTH WEST STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of South West Street right-of-way. The hearing is pursuant to petition, resolution of intent, advertisement, and notification as required by law. Planning Director Chapman explained the request. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of a resolution

ordering the street closing as advertised. Her motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 840

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF SOUTH WEST STREET RIGHT-OF-WAY AS DESCRIBED HEREIN

WHEREAS, a petition had been filed with the City Council of the City of Raleigh for the closing of South West Street right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of South West Street be closed permanently as follows:

Right-of-Way for the extension of South West Street adjacent to Lot #11, Block A-32, Sheet #551, City of Raleigh Planning Department Property Map

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have met which would make this closing effective.

Adopted: 6/18/85

Effective: 6/18/85

SPECIAL ITEMS

***SHOPPING CENTER SC-244 - SOUTHGATE PLAZA SIGN CRITERIA - APPROVED AS RESUBMITTED

This was a request for approval of a sign criteria for a previously approved shopping center. The site is zoned Shopping Center and is undeveloped. The property is located at the corner of Cross Link Road and Rock Quarry Road, inside the City Limits.

CR-5154 from the Planning Commission recommends that this request be approved according to a document entitled, "Southgate Plaza Shopping Center, Rock Quarry and Cross Link Roads, Raleigh, North Carolina," written by Envirotek, Inc., dated May 9, 1985.

This item was on the Agenda for May 21 and June 4; however, no action was taken except to place the matter on this Agenda for consideration.

City Manager Benton gave out a copy of a revised set of signed criteria which has been submitted by the applicant dated June 12, 1985, drawn by Envirotek. He indicated the resubmittal changes only the color and pointed out this is with the understanding that the entirety of the shopping center, including any out parcels, are covered by this criteria and with the further condition that the shopping center be limited to one ground sign. Mr. Calloway moved that the revised sign criteria, as presented by Mr. Benton and explained by Mr. Benton, be upheld. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SPECIAL USE PERMIT - 602 DEVEREUX STREET - DEFERRED

During the June 4 Council Meeting, a hearing was held to consider an application for a special use permit in the Conditional Residential-30 zoning district to construct five apartments to the rear and attached to the existing dwelling at 602 Devereux Street. The Council directed that the item be referred to Administration and placed on the June 18 Agenda as a Special Item to receive a report from Administration for further consideration.

City Manager Benton indicated he has sent Council Members a memo from the Planning Director relative to this request and four areas of concern that have been identified by staff as follows:

1. The material on the proposed addition to the existing structure - aluminum siding - is not allowed to be used in this case: Such siding is not present on two or more structures in the block face, and does not occur on one third or more of the block faces in the zoning district. The applicant has indicated an intent to substitute clapboard siding, which would be allowed, if the synthetic material cannot be used.

2. The addition is too close to the side property line - ten feet is required, seven feet is proposed. The applicant will move the addition to gain a minimum of ten feet on the side property line, or possibly ask the Board of Adjustment for a variance.

3. The proposal involves adding 2,446 square feet to a 1,550 square foot existing house. The existing house is nonconforming, being too close to the side property line. A Board of Adjustment variance is required to expand this conformity. The applicant will either acquire a variance from the Board of Adjustment or resubmit drawings which would not require a variance to expand the nonconformity.

4. The longest side of the building visible from the adjacent right-of-way cannot be more than 1.5 times its height. The side of the proposal adjoins an alley, which qualifies as a right-of-way. Viewed from the alley, the length of the house and its addition substantially exceed 1.5 times its height. Thus, the proposed project cannot proceed under this standard.

City Manager Benton indicated it is recommended that the City Council defer action on the Special Use Permit pending: submittal of new drawings showing the standards and one and two explained above are met or a Board of Adjustment variance is gained for Item 2 and that the Board of Adjustment approval of the addition to the nonconformance structure or submittal of a new application which would not require a variance. He indicated it is also recommended that the City Council authorize a text change to the conditional Residential-30 district, Section 10-2072(f)e. to clarify that the height to width ratio applies when viewed from the adjoining street at the midpoint of the lot frontage. Mr. Walters moved the Manager's recommendation be upheld. He pointed out, however, we need to work on our R-30 conditional use so it makes it a reasonable request and the alternative of tearing the house down would not have to enter into the picture. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***ANNEXATION - BRIER CREEK - ORDINANCE ADOPTED - MAYOR AUTHORIZED TO SIGN AGREEMENT; CONTRACT WITH HAZEN AND SAWYER - APPROVED

During the June 4, 1985 Council Meeting, a public hearing was held to consider the petitioned annexation of property known as Brier Creek. Following the hearing, it was directed that the item be placed on this Agenda for further consideration. City Manager Benton indicated, as the Council is aware, a substantial part of the application and the petition for annexation relates to an agreement relating to the utility extension. He stated we do have a signed agreement from the applicant in this case. He stated in conjunction with the motion to annex, he would recommend that the City Council approve the agreement and authorize the Mayor to execute the agreement on behalf of the City. Mr. Walters moved annexation of the property known as Brier Creek effective July 31, 1985, approval of the agreement to extend the utilities and authorization for Mayor to sign the same. His motion was seconded by Mrs. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 591

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS BRIER CREEK

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on June 18, 1985, at 1:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of July 31, 1985:

EXHIBIT A - To Annexation Petition

Being a tract or parcel of land located in Cedar Fork and White Oak Township, Wake County, North Carolina and described by the following courses and distances (all courses North Carolina Grid System except as noted):

Beginning at a point on the southwestern right-of-way line of U.S. Highway 70 West of Raleigh, North Carolina, said point being located at North Carolina Grid Coordinates Y=791,390.03 and X=2,059,395.47; thence along said highway right-of-way line S. 48° 11' 10" E. 1335.93 feet to a point; thence continuing along said highway right-of-way line S. 46° 57' 06" E. 228.80 feet to a point, cornering; thence leaving said highway right-of-way line S. 31° 43' 13" W. 1164.31 feet to a point; thence S. 02° 57' 33" W. (true north) 1341.89 feet to a point, cornering; thence N. 88° 05' 20" W. 1001.49 feet to a point, cornering; thence N. 00° 39' 47" W. 362.26 feet to a point; thence N. 51° 15' 41" W. 100.00 feet to a point; thence N. 56° 31' 36" W. 146.77 feet to a point, cornering; thence S. 00° 02' 04" E. 499.45 feet to a point; thence S. 00° 15' 38" W. 539.41 feet to a point; thence S. 02° 35' 34" W. (true north) 564.71 feet to a point, cornering; thence S. 88° 49' 51" E. 2120.91 feet to a point; thence S. 88° 03' 56" E. (true north) 926.25 feet to a point, cornering; thence N. 03° 18' 37" E. (true north) 569.72 feet to a point; thence N. 01° 37' 11" E. 514.23 feet to a point, cornering; thence N. 88° 05' 39" W. 1139.24 feet to a point, cornering; thence N. 03° 24' 52" E. (true north) 736.75 feet to a point; thence N. 43° 55' 07" E. (true north) 1144.96 feet to a point in the southwestern right-of-way line of U.S. Highway 70, cornering; thence along said highway right-of-way line S. 48° 21' 49" E. 512.70 feet to a point, S. 48° 08' 47" E. 619.55 feet to a point, a curve (with Delta angle 01° 42' 59", Radius 19,163.42 feet, arc 574.11 feet) cord bearing S. 48° 59' 49" E. 574.09 feet to a point, S. 49° 52' 08" E. 393.57 feet to a point, S. 49° 52' 06" E. 326.28 feet to a point, S. 49° 56' 22" E 325.62 feet to a point, S. 49° 59' 17" E. 1100.14 feet to a point and S. 49° 40' 29" E. 395.42 feet to a point, cornering; thence leaving said highway right-of-way line S. 17° 37' 54" W. 883.20 feet to a point, cornering; thence N. 72° 29' 17" W. 157.87 feet to a point cornering; thence S. 16° 13' 16" W. 495.89 feet to a point, cornering; thence S. 73° 48' 45" E. 1040.59 feet to a point, cornering; thence S. 02° 12' 58" W. 1029.29 feet to a point, cornering; thence S. 85° 30' 00" E. (by deed) 248.99 feet to a point, cornering; thence N. 30° 21' 11" E. (adopted north) 1045.53 feet to a point, cornering; thence S. 49° 59' 14" E. 216.28 feet to a point, cornering; thence N. 25° 58' 35" E. 569.79 feet to a point in the southwestern right-of-way line of U.S. Highway 70, cornering; thence along said highway right-of-way line S. 50° 01' 59" E. 902.96 feet to a point, cornering; thence leaving said highway right-of-way line S. 39° 59' 00" W. 180.64 feet to a point, cornering; thence S. 51° 01' 04" E. 210.04 feet to a point, cornering; thence N. 39° 59' 02" E. 177.02 feet to a point in the southeastern right-of-way line of U.S. Highway 70, cornering; thence along said highway right-of-way line S. 50° 01' 53" E. 130.80 feet to a point, cornering; thence leaving said highway now line S. 21° 46' 07" W. (adopted north) 626.93 feet to a point, cornering; thence N. 87° 05' 47" W. 216.57 feet to a point, cornering; thence S. 11° 14' 35" W. 430.17 feet to a point, cornering; thence S. 86° 53' 17" E. 208.53 feet to a point, cornering; thence S. 18° 57' 46" W. (adopted north) 305.90 feet to a point; thence S. 56° 39' 06" W. 199.95 feet to a point; thence S. 52° 55' 04" W. 75.00 feet to a point; thence S. 46° 34' 00" W. 97.50 feet to a point; thence N. 88° 14' 47" W. 680.38 feet to a point, cornering; thence S. 00° 09' 43" E. 1209.98 feet to a point, cornering; thence N. 83° 45' 40" W. 817.23 feet to a point, cornering; thence S. 01° 30' 24" W. 302.35 feet to a point, cornering; thence N. 89° 32' 53" W. 565.41 feet to a point, cornering; thence S. 61° 39' 01" E. 85.58 feet to a point, cornering; thence N. 89° 27' 49" W. 403.73 feet to a point, cornering; thence S. 10° 21' 19" W. 796.22 feet to a point; thence S. 76° 59' 37" W. 235.05 feet to a point; thence N. 53° 39' 45" W. 347.05 feet to a point, cornering; thence S. 03° 38' 50" E. 194.92 feet to a point, cornering; thence S. 88° 28' 00" W. 765.95 feet to a point, cornering; thence S. 35° 36' 04" E. 197.44 feet to a point; thence S. 88° 43' 29" E. 412.43 feet to a point, cornering; thence S. 01° 08' 32" E. 547.78 feet to a point, cornering; thence N. 87° 28' 21" W. (true north) 659.79 feet to a point, cornering; thence S. 01° 04' 03" W. (true north) 670.66 feet to a point, cornering; thence N. 88° 32' 01" W. 1902.66 feet to a point, cornering; thence N. 00° 06' 01" W. 120.08 feet, cornering; thence N. 88° 13' 30" W. 53.60 feet to a point, cornering; thence S. 17° 35' 44" E. 88.06 feet to a point; thence S. 04° 29' 44" W. 60.35 feet to a point; thence S. 34° 53' 32" W. 153.07 feet to a point; thence S. 26° 49' 10" W. 86.64 feet to a point; thence S. 37° 46' 50" W. 132.62 feet to a point; thence S. 50° 05' 16" W. 147.04 feet to a point; thence S. 61° 59' 36" W. 146.11 feet to a point; thence N. 87° 12' 44" W. 317.27 feet to a point, cornering; thence S. 70° 29' 29" E. 230.22 feet to a point, cornering; thence S. 06° 18' 18" W. 19.76 feet to a point, cornering; thence N. 87° 31' 43" W. 1254.39 feet to a point in the eastern right-of-way line of Globe Road (S.R. 1644), cornering; thence along said road right-of-way line N. 26° 29' 40" W. 188.43 feet to a point, N. 24° 12' 48" W. 104.62 feet to a point, cornering; thence leaving said road right-of-way line N. 65° 46' 28" E. 140.01 feet to a point; thence N. 03° 05' 47" E. 376.18 feet to a point, cornering; thence N. 88° 12' 40" W. 220.54 feet to a point, cornering; thence S. 03° 03' 45" W. 120.15 feet to a point, cornering; thence N. 87° 55' 50" W. 58.13 feet to a point in the eastern right-of-way line of Globe Road, cornering; thence along the eastern right-of-way line of said road a curve to the right with Delta angle 04° 43' 07", radius 4902.72 feet, arc 403.76 feet and cord bearing N. 19° 51' 17" W. and cord distance 403.65 feet to a point; thence N. 17° 29' 44" W. 270.57 feet to a point at the intersection of the eastern right-of-way line of Globe Road with the southern right-of-way line of S.R. 1739, cornering; thence along the southern right-of-way line of S.R. 1739, N. 80° 14' 46" E. 243.85 feet to a point; thence continuing along the southern right-of-way line of S.R. 1739, N. 68° 06' 52" E. 66.19 feet to a point on a curve in said

road to the left, cornering; thence entering said road right-of-way N. 01° 31' 16" E. 263.51 feet to a point located approximately in the center of S.R. 1739, cornering; thence N. 84° 38' 46" E. 392.69 feet to a point, cornering; thence N. 17° 59' 27" W. 358.75 feet to a point, cornering; thence S. 82° 31' 08" E. 812.26 feet to a point, cornering; thence S. 08° 10' 01" W. 104.90 feet to a point, cornering; thence S. 81° 50' 05" E. 947.66 feet to a point, cornering; thence N. 01° 04' 57" E. 760.32 feet to a point, cornering; thence N. 84° 21' 11" W. 2025.96 feet to a point, cornering; thence S. 02° 31' 40" W. 398.72 feet to a point, cornering; thence S. 75° 49' 24" W. 62.64 feet to a point, cornering; thence N. 02° 31' 40" E. 420.00 feet to a point, cornering; thence S. 75° 49' 24" W. 104.89 feet to a point, cornering; thence S. 02° 04' 05" W. 844.26 feet to a point, cornering; thence S. 88° 22' 38" W. 123.33 feet to a point; thence N. 87° 39' 22" W. 143.78 feet to a point in the eastern right-of-way line of S.R. 1644, cornering; thence along the eastern right-of-way line of said road, S. 17° 21' 08" E. 443.14 feet to a point, cornering; thence crossing S.R. 1644, S. 84° 59' 05" W. 1718.82 feet to a point; thence S. 84° 59' 11" W. 2049.84 feet to a point, cornering; thence N. 01° 23' 23" E. 348.88 feet to a point; thence N. 00° 29' 13" E. 545.05 feet to a point; thence N. 00° 10' 16" E. 420.01 feet to a point, cornering; thence N. 89° 00' 21" W., crossing the Wake County line into Durham County, 1032.55 feet to a point on the east right-of-way line of Page Road, cornering; thence along the east right-of-way line of Page Road, N. 01° 37' 03" W. 132.45 feet to a point, cornering; thence leaving Page Road S. 77° 00' 48" E. 220.33 feet to a point, cornering; thence N. 10° 13' 22" E. 104.84 feet to a point; thence N. 30° 16' 22" E. 105.18 feet to a point; thence N. 07° 26' 08" E. 138.00 feet to a point; thence N. 78° 51' 41" E. 170.90 feet to a point; thence N. 12° 52' 41" E. 110.23 feet to a point; thence N. 00° 39' 43" E. 345.09 feet to a point, cornering; thence S. 77° 36' 17" W. 372.76 feet to a point in the center line of Page Road, cornering; thence along the center line of Page Road, N. 15° 30' 53" E. 393.91 feet to a point, cornering; thence leaving Page Road, S. 87° 07' 13" E. 889.04 feet to a point at or near the Wake County and Durham County line, cornering; thence N. 03° 38' 44" W. 725.37 feet to a point, cornering; thence S. 85° 04' 19" E. crossing the Durham County line into Wake County 845.90 feet to a point, cornering; thence N. 02° 59' 01" E. 680.75 feet to a point; thence N. 03° 55' 17" E. 36.15 feet to a point, cornering; thence S. 89° 45' 04" E. 835.98 feet to a point, cornering; thence N. 01° 38' 46" W. 2631.21 feet to a point, cornering; thence S. 76° 23' 38" E. 126.34 feet to a point, cornering; thence N. 00° 15' 35" W. 2013.50 feet to a point, cornering; thence S. 89° 38' 15" E. 1795.98 feet to a point, cornering; thence N. 13° 44' 06" W. 329.40 feet to a point, cornering; thence S. 75° 41' 35" W. 326.00 feet to a point, cornering; thence N. 12° 24' 07" W. 659.26 feet to a point, cornering; thence N. 75° 34' 29" E. (true north) 284.89 feet to a point; thence S. 86° 28' 00" E. (true north) 92.79 feet to a point in the center line of Lumley Road; thence continuing across Lumley Road S. 88° 32' 55" E. 749.29 feet to a point, cornering; thence N. 01° 22' 55" E. 1113.33 feet to a point; thence N. 02° 14' 26" E. 900.61 feet to a point, cornering; thence S. 88° 47' 26" E. 580.84 feet to the point of beginning.

Excepted from the above tract of land are the following tracts or parcels of land (all courses North Carolina Grid System except as otherwise noted).

EXCEPTION NO. 1

All those portions of land described herein above lying outside Wake County, North Carolina.

EXCEPTION NO. 2

A tract of land composed of two contiguous parcels of land located in Wake County, North Carolina and described as follows:

Parcel 1: Beginning at a point in the center line of S.R. 1644, said point being located at North Carolina Grid Coordinates Y=782,239.05 and X=2,056,859.70; thence S. 87° 58' 05" E. 1120.54 feet to a point, cornering; thence N. 01° 25' 29" E. 99.28 feet to a point, cornering; thence S. 86° 53' 19" E. 225.00 feet to a point, cornering; thence S. 01° 07' 57" E. 234.78 feet to a point, cornering; thence S. 88° 09' 50" E. 499.38 feet to a point, cornering; thence S. 00° 49' 52" E. 176.78 feet to a point, cornering; thence N. 88° 22' 19" W. 220.99 feet to a point; thence N. 87° 32' 08" W. 288.20 feet to a point; thence N. 87° 10' 57" W. 225.14 feet to a point, cornering; thence S. 00° 29' 13" E. 11.14 feet to a point, cornering; thence N. 69° 24' 50" W. 556.71 feet to a point, cornering; thence S. 01° 20' 04" E. 41.98 feet to a point; thence S. 02° 10' 57" E. 61.65 feet to a point; thence S. 30° 12' 10" W. 266.85 feet to a point, cornering; thence N. 43° 04' 53" W. 684.62 feet to the point of beginning.

Parcel 2: Located on the north side of Parcel 1 above described and described as follows: Beginning at the northwest corner of property now or formerly owned by Gerard T. Erdahl; thence S. 01° 01' 27" W. (true north) 1195.22 feet to a point, cornering; thence along the northern boundary of Parcel 1 above described, N. 88° 09' 50" W. 499.38 feet to a point, cornering; thence N. 01° 07' 57" W. 234.78 feet to a point, cornering; thence N. 86° 53' 19" W. 225.00 feet to a point, cornering; thence N. 03° 06' 53" E (true north) 1022.35 feet to a point, cornering; thence S. 81° 19' 51" E. (true north) 731.25 feet to the beginning point.

EXCEPTION NO. 3

Beginning at a point located southwesterly of the intersection of Globe Road and S.R. 1738, said point being located at North Carolina Grid Coordinates Y=780,894.73 and X=2,057,620.17; thence N. 25° 38' 09" E. 149.72 feet to a point; thence N. 55° 37' 09" E. 311.57 feet to a point near the southwesterly right-of-way line of Globe Road, cornering; thence running near the southwesterly right-of-way line of Globe Road S. 23° 34' 45" E. 244.41 feet to a point, cornering; thence S. 70° 43' 09" W. 271.61 feet to a point; thence N. 89° 01' 52" W. 163.33 feet to the point of beginning.

EXCEPTION NO. 4

Beginning at a point located westerly off Lumley Road (S.R. 1645), said point being located at North Carolina Grid Coordinates Y=783,907.36 and X=2,060,730.26; thence N. 00° 46' 39" E. 678.85 feet to a point, cornering; thence N. 85° 56' 55" W. 418.60 feet to a point, cornering; thence N. 00° 21' 19" W. 105.17 feet to a point, cornering; S. 86° 04' 00" E. 415.83 feet to a point, cornering; thence N. 00° 11' 03" E. 165.04 feet to a point, cornering; thence S. 88° 46' 13" W. 474.90 feet to a point, cornering; thence N. 10° 05' 05" W. 194.90 feet to a point, cornering; thence N. 79° 06' 28" E. 465.85 feet to a point on the western right-of-way line of Lumley Road; thence crossing Lumley Road N. 65° 37' 49" E. 60.57 feet to a point, cornering; thence N. 69° 58' 11" E. 374.43 feet to a point, cornering; thence S. 35° 14' 18" E. 539.87 feet to a point, cornering; thence S. 88° 25' 06" E. 977.83 feet to a point, cornering; thence S. 01° 39' 01" W. 1200.61 feet to a point, cornering; thence S. 88° 53' 59" W. 500.40 feet to a point, cornering; thence S. 06° 12' 15" E. 93.45 feet to a point; thence S. 46° 29' 37" E. 306.95 feet to a point; thence S. 47° 36' 53" E. 74.93 feet to a point, cornering; thence S. 42° 20' 55" W. 142.23 feet to a point, cornering; thence N. 47° 51' 28" W. 74.61 feet to a point; thence N. 49° 04' 36" W. 149.75 feet to a point; thence N. 47° 45' 00" W. 146.33 feet to a point; thence N. 47° 20' 41" W. 303.94 feet to a point; thence N. 48° 04' 50" W. 326.80 feet to a point, cornering; thence N. 89° 04' 24" W. 565.61 feet to a point, cornering; thence S. 00° 45' 26" W. 1006.89 feet to a point; thence S. 03° 18' 04" W. 119.13 feet to a point; thence S. 76° 12' 57" E. 1.18 feet to a point, cornering; thence along a creek, N. 76° 12' 40" W. 52.31 feet to a point, N. 16° 53' 58" W. 106.29 feet, N. 15° 13' 23" W. 76.15 feet N. 55° 24' 23" W. 95.55 feet, N. 78° 03' 03" W. 58.03 feet, N. 43° 26' 42" W. 58.71 feet, N. 04° 47' 27" W. 73.87 feet, N. 36° 47' 30" W. 98.49 feet to a point; thence leaving said creek N. 86° 05' 43" W. 1,395.34 feet to a point, cornering; thence N. 00° 27' 09" E. 818.18 feet to a point, cornering; thence S. 85° 49' 30" E. 1752.78 feet to the beginning.

EXCEPTION NO. 5

Beginning at a point located 1306.30 feet westerly from the intersection of the southern right-of-way line of Cates Road with the southwesterly right-of-way line of Lumley Road, said point being located at North Carolina Grid Coordinates Y=785,800.04 and X=2,059,004.10; thence N. 01° 05' 35" E. 593.33 feet to a point, cornering; thence S. 85° 46' 36" E. 659.20 feet to a point, cornering; thence S. 02° 33' 31" E. 215.02 feet to a point, cornering; thence N. 88° 08' 07" E. 100.24 feet to a point, cornering; thence S. 02° 25' 46" E. 199.87 feet to a point, cornering; thence S. 87° 45' 46" E. 200.00 feet to a point; thence S. 88° 49' 02" E. 56.03 feet to a point, cornering; thence N. 30° 02' 20" W. 126.26 feet to a point, cornering; thence N. 61° 26' 35" E. 200.01 feet to a point, cornering; thence S. 29° 22' 07" E. 304.67 feet to a point, cornering; thence S. 87° 11' 51" W. 1306.30 feet to the point of beginning.

EXCEPTION NO. 6

Beginning at a point located 9.05 feet inside the right-of-way of Lumley Road from the northwestern right-of-way line of said road easterly from the eastern right-of-way line of Carolina Power & Light Company's Transmission Line right-of-way as it crosses Lumley Road; thence N. 11° 54' 41" E. 200.00 feet to a point, cornering; thence S. 58° 54' 37" E. 64.00 feet to a point, cornering; thence S. 10° 51' 30" W. 200.00 feet to a point located 4.60 feet inside the right-of-way of Lumley Road from the northeastern right-of-way line of said road, cornering; thence N. 59° 57' 50" W. 67.47 feet to the beginning. See deed recorded in Book 1121, Page 29, Wake County Registry.

EXCEPTION NO. 7

The following described tracts or parcels of land acquired by the Raleigh-Durham Airport Authority:

Parcel A: Beginning at a point, said point having North Carolina grid coordinates N=782,053691 and E=2,065,206.788, and being in the northern line of the property of Edith C. Lumpkin; runs thence North 45° 01' 14" East 832.86 feet to a point, said point having North Carolina grid coordinates N=782,642.401 and E=2,065.920; thence South 00° 09' 30" East 653.47 feet to a point; thence North 83° 44' 46" West 594.48 feet to the point and place of beginning, and containing 4.4312 acres as shown on a survey by Bennie R. Smith, Registered Surveyor, dated March 9, 1982, and being part of the property identified as Tract 3 in deed recorded in Book 2460, Page 505, Wake County Registry.

Parcel B: Beginning at a point, said point having North Carolina grid coordinates N-781,778.360 and E=2,064.315, and being in the northern line of the property owned (now or formerly) by R. G. Commander; runs thence North 45° 01' 14" East 478.18 feet to a point, said point having North Carolina grid coordinates N=782,116.364 and E=2,064,986.561; thence South 01° 32' 23" West 38.44 feet to a point; thence South 01° 31' 01" West 302.39 feet to a point; thence North 89° 31' 47" West 329.22 feet to the point and place of beginning and containing 1.2877 acres as shown on a survey by Bennie R. Smith, Registered Surveyor, dated March 8, 1982, and being part of the property identified in Tract 1 in deed recorded in Book 2460, Page 505, Wake County Registry.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds for Wake County, and in the Office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective July 31, 1985.

Adopted: 6/18/85

Effective: 7/31/85

City Manager Benton recommended that the City Council approve a contract with Hazen and Sawyer to proceed with the design for the pump station and force main at an estimated cost of $315,000.00 with the final fee to be based on the standard agreement and curve which is based on construction cost and also set up the appropriate budget to cover the design and construction of the force main and pump station. Mr. Benton also recommended adoption of a resolution placing this area in City Council Electoral District E. Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 832.

City Manager Benton indicated Administration expects to bring to the Council a proposed zoning plan that would go forward to place the zoning on the land. The comment was received as information.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. He indicated the Agenda has items marked that are located within floodplain areas as well as areas that are located within the Falls Basin. The following items were removed from the Consent Agenda as requested: Keller - CR-5519 (S-61-85); Congleton - CR-5609 (PA-70-85), CR-5610 (SC-13-85), CR-5617 (S-89-85) and CR-5619 (S-93-85); Walters - CR-5630 (Z-61-85); Cates - CR-5556 (S-76-85); Calloway - CR-5612 (SC-23-85); Block - CR-5615 (S-88-85), CR-5616 (PA-76-85) and CR-5625 (S-100-85). Without objection, these items were removed from the Consent Agenda. Ms. Babb requested to be excused from participation in CR-5617 (S-89-85) as her husband is involved in that project. Without objection, she was excused. Mr. Congleton moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

***SUBDIVISION S-68-85 - SUMMIT OAKS CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 168 condominium units (consisting of eleven buildings) on 18.4 acres which are presently undeveloped and zoned Residential-10.

The property is located on the north side of Ray Road, immediately east of the Autumn Chase Development, between Winthrop Drive and Leesville Road, outside the City Limits (to be annexed June 30, 1985).

CR-5487 from the Planning Commission recommended that this request be approved according to a map entitled, "Summit Oaks Condominiums," the property of The Calibre Company, drawn by Little and Little, dated May 24, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and (2) that S-68-85 be approved if TC-9-85 - Cluster Unit Developments - Definition, is approved as amended and attached to CR-5628; and recommends that the City accept 3.8 acres of greenway as shown on the plan. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PA-56-85 - INNKEEPER MOTOR LODGE - APPROVED

This was a request for approval to construct a 23,214 square foot motor lodge on 1.15 acres which are currently undeveloped and zoned Neighborhood Business and Industrial-I.

The property is located on the east side of South Saunders Street, between the Beltline and Pecan Street, inside the City Limits.

CR-5602 from the Planning Commission recommended that this request be approved according to a map entitled, "Innkeeper Motor Lodge," the property of Innkeeper Motor Lodge, drawn by Robert Hann, AIA, dated March 29, 1985, revised May 17, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PA-63-85 - TOLSON/FINLEY OFFICE BUILDING - APPROVED

This was a request for approval to construct a 9,200 square foot office building on 0.88 acre which is currently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Falls of the Neuse Road, directly across from Lake Forest Drive, inside the City Limits.

CR-5603 from the Planning Commission recommended that this request be approved according to a map entitled, "Tolson/Finley Office Building," the property of Mr. A. Earle Finley, drawn by Fred Tolson Associates, Incorporated, dated May 22, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PA-64-85 - SONKHO BUILDING - APPROVED

This was a request for approval to construct a 70,000 square foot office building on 3.66 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the south side of Blue Ridge Road, between Edwards Mill Road and Glenwood Avenue, inside the City Limits.

CR-5604 from the Planning Commission recommended that this request be approved according to a map entitled, "Sonkho Building," the property of Sonkho Associates, Incorporated, drawn by Angshuman De Architects, dated April 30, 1985, revised May 16, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PA-67-85 - CROSSPOINTE OFFICE PARK III - APPROVED

This was a request for approval to construct a 12,600 square foot office building on 1.91 acres which are currently undeveloped and zoned Office and Institution-I and Conservation/Buffer.

The property is located on the south side of Plaza Place which is on the west side of Creedmoor Road, inside the City Limits.

CR-5607 from the Planning Commission recommended that this request be approved according to a map entitled, "Crosspointe Office Park III," the property of Plaza Associates, drawn by Hakan/Corley and Associates, Incorporated, dated May 9, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***PA-69-85 - BEST WESTERN HOTEL - APPROVED - DEDICATION OF GREENWAY ACCEPTED

This was a request for approval to construct a six-story hotel (72,549 square feet) on three acres which are currently undeveloped and zoned Office and Institution-II.

The property is located on the north side of Century Drive which runs off Leesville Road, just north of the intersection with Glenwood Avenue, inside the City Limits.

CR-5608 from the Planning Commission recommended that this request be approved according to a map entitled, "Best Western Hotel," the property of RCDI of North Carolina, drawn by Lehmann-Mehler Architects, dated April 29, 1985, revised May 28, 1985; and that the dedication of greenway along the northwest property line be accepted. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SC-19-85 - TOWER MERCHANTS VILLAGE SHOPPING AREA - APPROVED WITH CONDITIONS

This was a request for approval to create a shopping area by expanding an existing retail complex by adding 38,664 square feet to an existing building and by adding two new buildings, constituting 56,500 square feet on 16.9 acres, zoned Industrial-I. The total square footage of the shopping area is 202,064.

The property is located north of U.S. 64, along Bastion Lane, outside the City Limits.

CR-5611 from the Planning Commission recommended that this request be approved according to a map entitled, "Tower Merchants Village Shopping Area," the property of Hughes and Associates, drawn by LaMarr Bunn and Associates, dated June 5, 1985, with the following conditions: (1) That elevations of Building 13 be submitted and approved by the Planning Department prior to building permits being issued on that building; (2) that a cross-access agreement be executed with the Tower Merchants

Village Lot and the tract to the north prior to building permits being issued on Buildings 13 or 14; and (3) that a sign criteria be approved prior to issuance of any building permits for signs. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-87-85 - GEORGE R. HALL PROPERTY - APPROVED WITH CONDITION

This was a request for approval to divide a .699 acre tract, zoned Residential-4, into two lots.

The property is located between Peartree Lane and Albemarle Avenue, north of New Bern Avenue, inside the City Limits.

CR-5614 from the Planning Commission recommended that this request be approved according to a map entitled, "Property of George R. Hall and Wife, Carolyn Y. Hall," the property of George R. Hall, submitted by Bennie R. Smith, RLS, revised date, May 29, 1985, with the condition that suitable surety arrangements be made for required improvements on Albemarle Avenue prior to recording the final plats. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-95-85 - TOP OF THE PINES TOWNHOMES - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct 44 townhouse units on a 7.5 acre tract, zoned Residential-6.

The property is located on the south side of Buffaloe Road, just east of New Hope Road, outside the City Limits.

CR-5621 from the Planning Commission recommended that this request be approved according to a map entitled, "Top of the Pines, St. Matthews Township, Wake County, NC," the property of Buddy Hoch, drawn by Triangle Engineering, dated April 29, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-96-85 - WILLOW STREET PLACE - APPROVED WITH CONDITION

This was a request for approval to develop and subdivide 28 townhouse units on a 2.88 acre tract, zoned Residential-10.

The property is located at the northern end of Willow Street, north of Edmund Street, just east of Brookside Drive, inside the City Limits.

CR-5622 from the Planning Commission recommended that this request be approved according to a map entitled, "Willow Street Place, Owner: John Winters, Jr., Raleigh, Wake County, NC," the property of John Winters, Jr., submitted by Glenn D. Ward and Associates, dated April 31, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the issuance of building permits. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-97-85 - TURNBERRY PLACE, PHASE I - APPROVED

This was a request for approval to develop 29 lots, zoned Residential-4.

The property is located inside the City Limits on the south side of Leesville Road, west of Creedmoor Road.

CR-5623 from the Planning Commission recommended that Phase I of this request be approved according to a map entitled, "Turnberry - A Single-Family Subdivision," the property of Cronk Construction Company, submitted by Jerry Turner and Associates, dated May 1, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-99-85 - LA CASA PROPERTY - APPROVED WITH CONDITION

This was a request for approval to subdivide a 22± acre tract into three lots, zoned Shopping Center and a parcel zoned Residential-10.

The property is located inside the City Limits on the north side of Western Boulevard, just west of the Beltline (adjoining K-Mart).

CR-5624 from the Planning Commission recommended that this request be approved according to a map entitled, "La Casa Property," the property of Davidson and Jones Development Company, submitted by Envirotek, Incorporated, revised date, May 17, 1985, with the following conditions: (1) That a cul-de-sac or approved turnaround be constructed at the end of the street stub at the northern property line of Lot 2; and (2) that no permits be issued for development of the parcel zoned Residential-10 until approved water and sewer service is provided by the subdivider or it is recombined with a parcel through which such services may be provided. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-101-85 - LAKE RIDGE VILLAS - APPROVED WITH CONDITIONS

This was a request for approval to develop and subdivide 13 townhouse units on a 1.3 acre tract, zoned Residential-10.

The property is located inside the City Limits at the northwest corner of the intersection of Lake Ridge Drive and New Hope Church Road.

CR-5626 from the Planning Commission recommended that this request be approved according to a map entitled, "Lake Ridge Villas," the property of Fitzpatrick and Company, submitted by J. W. Harris and Associates, dated April, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and (2) that a recombination map showing the entire site is approved and recorded. Consent Agenda approval: Congleton/Babb - 8 ayes.

***SUBDIVISION S-102-85 - FRANK TURNER PROPERTY - APPROVED

This was a request for approval to subdivide a 3.74 acre tract, zoned Residential-4, into four lots.

The property is located inside the City Limits, on the south side of Edencroft Drive, just west of the Beltline.

CR-5627 from the Planning Commission recommended that this request be approved according to a map entitled, "Subdivision of Frank B. Turner, Raleigh, NC," the property of Frank B. Turner, submitted by Talley and Associates, dated April 8, 1985. Consent Agenda approval: Congleton/Babb - 8 ayes.

***TC-9-85 - CLUSTER UNIT DEVELOPMENTS - DEFINITION - APPROVED AS AMENDED

This was a request for approval to amend Section 10-3071, "Design Standards for Cluster Unit Developments," by more clearly distinguishing cluster developments from other developments, and refining the open space standards for cluster developments, allowing those developments which meet the refined open spaces standards to utilize the provisions of cluster unit ordinances, including the right to transfer zoning density across property lines to achieve maximum development flexibility.

CR-5628 from the Planning Commission recommended that TC-9-85, as rewritten and attached to CR-5628, be adopted. The rewritten text change deletes the proposed requirements that: (1) One-half of the required ten percent open space be non-water bodies; and (2) that greenways and park lands in cluster developments be dedicated. Consent Agenda approval: Congleton/Babb - 8 ayes.

ORDINANCE NO. (1985) 592 TC 240

AN ORDINANCE TO AMEND THE OPEN SPACE REQUIREMENT FOR CLUSTER UNIT DEVELOPMENTS

WHEREAS, the Raleigh City Council finds that some existing cluster unit developments are using a portion of required yards to satisfy the required open space standard; and

WHEREAS, the Raleigh City Council finds that open space areas required in cluster unit developments must contain a minimum average size so as to assure that such open spaces can be used for their intended purposes; and

WHEREAS, because this ordinance permits townhouse, condominium, and multi-family developments to aggregate densities, larger open space areas are need for these more intense types of development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The definition of "major access corridors" contained in Section 10-2002 of the Raleigh City Code is hereby amended to insert immediately before the period thereof the following language: ", and Northern Wake Expressway".

Section 2. The first sentence of Subsection 10-2075.1(e) of the Raleigh City Code and the first sentence of the first paragraph of Subsection 10-2075(e) of the Raleigh City Code as amended by Section 7 of Ordinance No. (1985) 542 TC 236 are amended to delete the period therefrom and to insert the following language:

", except recreational facilities and their accessory uses, including driveways which meet the widths of Section 10-7001 and off-street parking required by Section 10-2061 which serves the recreational facilities; if the required open space is privately owned, recreational facilities and their accessory uses, including driveways which meet the widths of Section 10-7001 and off-street parking required by Section 10-2061 which serve the recreational facilities, may be placed within the open space which do not exceed twenty-five percent impervious coverage of the open space.".

Section 3. To comply with the recreational standards of Ordinance No. (1985) 542 TC 236, Subsection 10-2075.1(e) of the Raleigh City Code is hereby amended to insert two new sentences which shall follow the first sentence as amended by this ordinance, and said new sentences shall read as follows:

"If active recreational facilities are constructed which adjoin properties zoned conservation buffer, residential, or both, and such properties are neither approved and developed as part of a group housing project which includes the multi-family development, nor as part of a developed townhouse; condominium; or cluster development which include the multi-family development, then at least the minimum setbacks required under Section 10-2073(c)(27)d shall be applied from the recreational facilities to these adjoining properties; however, the Board of Adjustment may vary these requirements if in its judgment, effective sound and visual barriers can be placed or erected in a manner which achieves superior or the same effect as these setback standards. But no swimming pool with any linear dimension greater than sixty-five feet or with any area in excess of four-thousand square feet shall be built without the approval of the Raleigh Board of Adjustment in accordance with Section 10-2073(c)(27).".

Section 4. Subsection 10-3071(a) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(a) Purpose. The purpose of this section is to provide desirable and usable open space, tree cover, recreational areas, scenic vistas, and variety in residential buildings and properties and preserve sensitive environmental areas by allowing certain variations in lot sizes in subdivision and/or establishment of townhouses, condominiums, multi-family, and single family dwellings served by adequate utilities, so long as the overall density of dwelling units is not greater than that permitted by the applicable zoning requirements. But nothing herein shall prevent any cluster development from containing all townhouse, condominium, multi-family, or single family dwellings.".

Section 5. Subsection 10-3071(b)(6) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows:

"(6) Open space standards. At the discretion of the developer, a cluster development may utilize a range of lot sizes not in conflict with the minimum specified above, and may construct multi-family dwellings, provided that land is designated for parks, greenways, or open space. Land must be deeded to the City or held in a non-profit homeowners association for dwellings within the development. The title to such park or open space property shall be preserved for the perpetual benefit of the private properties in the development or for the general public and shall be restricted against private or public ownership for any other purposes.

a. Area. The required open space shall not be less than ten (10) percent of the land area of the cluster unit development or one-hundredth (.01) of an acre per unit (435.6 square feet per unit), whichever is greater. In only the special high density residential area, which is described in Section 10-2072(a), open space may include outdoor balconies; decks; and roof gardens; and indoor recreational areas, central lobbies, meeting rooms, and other similar indoor community space available for use by the residents, provided that at least ten (10) percent of the total land area of the development is devoted to common outdoor open spaces or park areas available and accessible to all residents. Developments which obtain from the City Council a special use permit for either higher residential densities in the special high density area or conversion projects in the business district shall be exempt from the requirements herein but they shall comply with the applicable open space standards in Sections 10-2072(a) and 10-2072(e).

b. Minimum average open space quotient. The minimum average open space quotient shall be determined by dividing the square footage of open space used to satisfy the requirement in subdivision a. above by one-quarter of the lineal footage of its periphery.

1. The minimum average open space quotient throughout the development shall not be less than seventy-five (75) feet except the minimum average open space quotient shall not apply in the special high density residential area or to parks and greenways dedicated to the City.

2. If a cluster development contains any lot with a group housing, townhouse, condominium or multi-family development except two attached residential dwellings, which exceeds the zoning density allowed on the lot, then throughout the development the minimum average open space quotient shall be at least one-hundred and fifty (150) feet except the minimum average open space quotient shall not apply in the special high density residential area or to parks and greenways dedicated to the City.

c. Location. Open space area required in subdivision a. above and which is held by a non-profit homeowners association and not deeded to the City shall adjoin, or be located directly opposite, the cluster development for at least fifty (50) percent of the periphery of such required open space. The periphery of any intervening open space which may be dedicated to and accepted by the City as part of the cluster development may be included in this fifty percent.

If a cluster development is divided by a thoroughfare or a "major access corridor" as defined in Section 10-2002, the amount of required open space for the tracts created by the thoroughfare or "major access corridor" shall be allocated to those tracts in the same proportion as the units approved to be located on each tract. But the requirements of subdivision d. below shall apply to one of the tracts only.

d. Other requirements. The open space area required in subdivision a. above shall exclude private drives, off-street parking and other accessory uses except recreational facilities and their accessory uses, including driveways which meet the widths of Section 10-7001 and off-street parking required by Section 10-2061 which serve the recreational facilities. A minimum of one-third or two acres, whichever is less, of the open space required in subdivision a. above, shall be in one continuous, undivided part. If open space is deeded to the City, proper pedestrian access not to exceed twenty feet (20') in width can be required for the general public. If open space, required in subdivision a. above, is owned by a non-profit corporation, recreational facilities and their accessory uses, including driveways which meet the widths of Section 10-7001 and off-street parking required by Section 10-2061 which serve the recreational facilities, may be placed within the open space which do not exceed twenty-five (25) percent impervious coverage of the open space and that the standards of Section 10-2075(e) are met.

e. The City Council may allow variances for arrangement of open spaces in cluster developments if it finds that the variance will give equal or better safety of, and utility of, and access to the open space in the development without adversely affecting the value of the open space and the character of the property adjacent to the varied open space.".

Section 6. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 8. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 9. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 10. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Section 11. This ordinance shall become effective immediately.

Adopted: 6/18/85

Effective: 6/18/85

***REZONING Z-59-85 - LITCHFORD ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 20 acres from Residential-4 to Residential-10.

CR-5629 from the Planning Commission recommended that Z-59-85 be approved as requested. Consent Agenda approval: Congleton/Babb - 8 ayes. See Ordinance 593 ZC 164.

*****END OF THE PLANNING COMMISSION CONSENT AGENDA*****

***SUBDIVISION S-61-85 - TRAILWOOD FOREST - TO BE PLACED ON JULY 2, 1985 AGENDA

This was a request for approval to subdivide 175 acres which are currently undeveloped and zoned Residential-10 (148 acres), Residential-4 (23.94 acres) and Agricultural Productive (3 acres) into 16 lots.

The property is located on Trailwood Road, west of Sierra Drive and on the south side of Interstate 40, outside the City Limits.

CR-5519 from the Planning Commission recommended that this request be approved according to a map entitled, "Trailwood Forest," the property of CB&S, drawn by Jerry Turner and Associates, Incorporated, dated February, 1985.

Planning Director Chapman explained the proposed subdivision. Chairman McNeely explained discussions in the Planning Commission relating to this subdivision and the companion zoning case. Mr. Keller pointed out he withdrew this item from the Consent Agenda pointing out this is the first large area south of the Beltline coming in for development. He questioned the potential of part of this land being desirous for a park site. City Manager Benton indicated he could not comment on that. He pointed out that Administration did look at all areas and provided Council with a priority site acquisition listing as related to park land. Mr. Keller indicated that this bothered him that this heavy development is about to occur in this area and there are no park facilities in the area. He stated he would just like a "yes" or "no" as to whether any of this property is suitable for a park site. He stated he would like to hold this at least until the next meeting to get a report from Administration and so moved. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-76-85 - CRABTREE IMPROVEMENT COMPANY - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 7.2 acre tract which is currently undeveloped and zoned Residential-4 into 10 lots.

The property is located on Alleghany Drive and Hertford Street which both run off the north side of Transylvania Avenue, inside the City Limits.

CR-5556 from the Planning Commission recommended that this request be approved according to a map entitled, "Crabtree Improvement Company," developed by Crabtree Improvement Company, Incorporated, drawn by B. Kenneth Martin, dated January 20, 1985, with the following conditions: (1) That a 150-foot greenway easement, measured from the centerline of Crabtree Creek with exceptions as shown on the map prepared by the Greenway Staff, be reserved prior to recording the final plats as required by Section 10-3019; and (2) that Lot 4 as shown on the plan be reserved by combining with adjacent properties.

Planning Director Chapman explained the proposed subdivision. Chairman McNeely indicated this was in committee for quite some time, basically because of a gentleman's agreement or disagreement, relating to greenway. Mrs. Cates indicated she had talked with Ken Corey and a number of the neighbors relating to the case and she would like to refer it to the Public Works Committee. Her motion was seconded by Mr. Walters. Mrs. Block indicated she was going to recommend approval of the subdivision with the understanding that the greenway be dedicated rather than reserved. She said maybe that part of the item should be referred to the Real Estate Committee, that is, the possibility of dedication or reservation of the greenway. In response to questioning, Planner Ken Corey indicated if his clients had the choice of the Public Works Committee or the Real Estate Committee, they would prefer the Real Estate Committee but he would prefer that the item not be referred to both committees simultaneously. Mrs. Cates indicated she had questions about the entire subdivision and she would like to look at the total thing. Therefore, without objection, the item was referred to Public Works Committee.

***PA-70-85 - RALEIGH COMMUNITY HOSPITAL - APPROVED

This was a request for approval to grade and relandscape an area zoned Conservation/Buffer. Adjacent areas are currently developed as a hospital and office uses. The area north of the Conservation/Buffer is residential.

The property is located on the north side of Executive Drive, adjacent to the intersection of Old Wake Forest Road and New Hope Church Road, inside the City Limits.

CR-5609 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Community Hospital," the property of Raleigh Community Hospital, drawn by Envirotek, Incorporated, dated May 1, 1985, revised May 17, 1985.

Planning Director Chapman explained the plan with Mr. McNeely indicating most of the discussion related to the problem of getting rid of the bamboo in this area. Mr. Congleton indicated he pulled the item from the Agenda pointing out in going through the zoning on this property, there was a lot of discussion and the Conservation/Buffer was zoned that way as a buffer area to remain in its natural state. Mr. Walters indicated he thought all Council Members were aware of the problem pointing out the Conservation/ Buffer has become a health hazard because of the combination of the bamboo/birds and this has been worked out to everyone's satisfaction. Mr. Congleton moved approval of the Planning Commission's recommendation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SC-13-85 - SUPREME CAR WASH - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to develop, as a car wash, a 0.8 acre parcel which is currently undeveloped and zoned Shopping Center.

The property is located on the north side of Falls of the Neuse Road, east of Rainwood Drive, outside the City Limits.

CR-5610 from the Planning Commission recommended that this request be approved according to a map entitled, "Supreme Car Wash," the property of Ray L. Smith, drawn by Ragsdale Consultants, PA, dated March 22, 1985, with the condition that the two parcels (74 and 101, Map 303) be recombined into one parcel prior to the issuance of building permits.

Planning Director Chapman explained the plan and Chairman McNeely explained that this does meet all City requirements. Mr. Congleton indicated he had pulled this from the Consent Agenda pointing out he did not have an opportunity to get down and review the plan. He indicated he was not sure if the staff feels that this fits in sensitively with the remainder of the area. He stated, in addition, he had not had an opportunity to check with the persons who were very concerned about the development of this tract, therefore, he would request that the matter be referred to Public Works Committee in order to give him an opportunity to further study it. He put this in the form of a motion which was seconded by Ms. Babb and passed unanimously. The Mayor ruled the motion adopted.

***SC-23-85 - WATSON'S SHOPPING AREA - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval of a shopping area which is an expansion of an existing retail area through expanding an existing building by approximately 37,500 square feet, and enclosing another building of approximately 4,400 square feet. The site is 16.73 acres, zoned Industrial-II. Dedication of greenway of varying widths along Walnut Creek is shown.

The property is located west of Rock Quarry Road and north of Interstate 40, inside the City Limits.

CR-5612 from the Planning Commission recommended that this request be approved according to a map entitled, "Watson's Shopping Area," the property of Ebern Watson, drawn by Bill Christian, CHR Associates, dated May 16, 1985, with the following conditions: (1) That the existing improvements and backfill to the open canopy below the floodway elevation be removed; (2) that the enclosure of the open canopy not take place unless the City Council finds that, after a review by the City Inspections Department, the Corps of Engineers and FEMA, the enclosure does not violate Section 10-4010, "Floodway area; restrictions on existing structures;" and (3) that the private fire hydrant low pressure and flow problems be resolved (even if it is necessary to provide a 6-inch or 8-inch water line) prior to occupancy of the proposed retail building for the Flea Market. It is also recommended that the City accept the offer of a greenway easement dedication as shown on the site plan.

Mr. Calloway indicated he had some questions relative to the backfill that is occurring, the fire hydrant problem, etc., therefore, he would like to refer this to Public Works Committee for discussion. Without objection, the item was so referred.

***SUBDIVISION S-88-85 AND PA-76-85 - ST. MARY'S PLACE - REFERRED TO PUBLIC WORKS COMMITTEE

Subdivision S-88-85 was a request for approval to develop a maximum of 22 office condominiums on a 2.1 acre site which is zoned Office and Institution-I.

The property is located inside the City Limits on the east side of St. Mary's Street, just south of Wade Avenue.

CR-5615 from the Planning Commission recommended that this request be approved according to a map entitled, "St. Mary's Place, Raleigh, North Carolina," the property of Barry Martin Enterprises, submitted by Jerry Turner and Associates, revised date, May 30, 1985, with the condition that the site distance at the driveway on St. Mary's Street be subject to the approval of the City's Department of Transportation.

PA-76-85 was a request for approval to construct 22 office condominiums in four buildings with a total of 26,800 square feet on 2.10 acres, zoned Office and Institution-I.

The property is located on the east side of St. Mary's Street, south of the intersection of Nichols Street and on the west side of Washington Street, inside the City Limits.

CR-5616 from the Planning Commission recommended that this request be approved according to a map entitled, "St. Mary's Place," the property of Barry Martin Enterprises, drawn by Jerry Turner and Associates, dated April 25, 1985, revised May 30, 1985.

Planning Director Chapman explained the subdivision and plan approval. Chairman McNeely indicated the discussion centered mainly around the sight distance from driveway on St. Mary's Street. Mrs. Block indicated she had requested that these be pulled from the Consent Agenda indicating that was one of her concerns - safety and security of the driveway. She also questioned where these people would park. Mr. McNeely indicated the plan does show parking and staff has said that the plan meets the requirements of Code. Mrs. Block indicated she would like to refer this to

Public Works Committee. Her motion was seconded by Mrs. Cates. Mayor Upchurch indicated Barry Martin had asked to be heard and, without objection, he would ask that Mr. Martin be heard briefly. Mr. Martin questioned if this is being held because of the driveway or the discussions by the County in purchasing this property with Mrs. Block indicating she wanted to get a recommendation from the Department of Transportation. Mrs. Cates indicated she would like to look at this as a possible park acquisition and she would like for that question to be resolved one way or the other. Ms. Babb indicated she would urge Administration to immediately contact the County get an official position from them as it relates to the park pointing out she did not want to delay things beyond what is fair and she feels that action should be taken. Without objection, the items were referred to the Public Works Committee.

***SUBDIVISION S-89-85 - WHITE PROPERTY - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 21.046 acre tract, zoned Industrial-I and Residential-10, into three lots and 116 townhouse units.

The property is located on the west side of U.S. 1 and 401, across from its junction with Buffaloe Road, inside the City Limits.

CR-5617 from the Planning Commission recommended that this request be approved according to a map entitled, "White Property, U.S. 1 North, Raleigh, NC," the property of No. 1 North Ventures Limited Partnership, submitted by Barrett Kays and Associates, revised date, June 5, 1985, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to the recording of final plats; and (2) that stormwater management engineering plans be approved by the City for areas as noted on the subdivision plan.

Planning Director Chapman explained the proposed subdivision. Mr. McNeely indicated this was on the Planning Commission's Consent Agenda but there was brief discussion about an error in the mapping but that had been resolved. Mr. Congleton pointed out this area had some issues relative to stormwater management that were tied into zoning and questioned if they had been taken care of. Mrs. Block pointed out this was in the Public Works Committee and many things were to be worked out. She indicated she had talked to the attorneys for the proponent and maybe this should be referred to the Public Works Committee and she would try to get it out in the immediate future but she feels that these problems should be resolved. Without objection, the item was referred to Public Works Committee.

***SUBDIVISION S-93-85 - WEATHERBURN WOODS - APPROVED

This was a request for approval to subdivide a 40.276 acre tract within the Falls Basin, zoned Residential-1, into 29 lots (plus one lot for a well).

The property is located on the north side of Strickland Road, east of its intersection with Six Forks Road, outside the City Limits.

CR-5619 from the Planning Commission recommended that this request be approved according to a map entitled, "Preliminary Plan for Weatherburn Woods, Raleigh, North Carolina," the property of Strickland Road Properties, Incorporated, submitted by Jerry Turner and Associates, revised date, June 5, 1985, with the following conditions: (1) That the community water system be approved by the State authorities prior to the recording of any plats; and (2) that the location and nature of the stormwater detention devices be approved with engineering drawings.

Planning Director Chapman explained the proposed subdivision. Chairman McNeely indicated this was on the Consent Agenda and there was no detailed discussion. Mr. Congleton indicated he could not tell from the map in the Agenda packet whether or not this gets into the right-of-way of the outer Beltline with Planning Director Chapman indicating it did not. Mr. Congleton indicated he was concerned about the possibility of additional lots that would have no access with Planning Director Chapman indicating the property next to this is probably capable of being subdivided and this was discussed briefly after which Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***SUBDIVISION S-100-85 - NORTH BOULEVARD NORTH - APPROVED WITH CONDITION

This was a request for approval to divide two structures (one existing, one to be constructed) on two lots, zoned Industrial-I and Conservation/Buffer (50 feet on Lot 18) into 32 condominium units. The total site area is 11.17 acres.

The property is located inside the City Limits on the east side of Departure Drive, just north of Spring Forest Road.

CR-5625 from the Planning Commission recommended that this request be approved according to a map entitled, "North Boulevard North, Lots 17 and 18, Condominium Plan," the property of Davidson and Jones Development Company, submitted by Envirotek, Incorporated, revised date, May 30, 1985, with the condition that no grading or development-related activity take place in the Conservation/Buffer zone.

Planning Director Chapman explained this relates to 32 office condominium units with Mrs. Block indicating that answered her question. She thought that this was

residential units in industrially-zoned land. Mrs. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor moved the motion adopted.

***REZONING Z-61-85 - OLD WAKE FOREST ROAD - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to rezone approximately one-half acre from Residential-6 to Neighborhood Business.

CR-5630 from the Planning Commission recommended that Z-61-85 be denied.

Planning Director Chapman explained the request. Mr. McNeely explained the Planning Commission's recommendation pointing out no one spoke at the public hearing. Mr. Walters pointed out no one spoke at the public hearing as they did not have any opposition and they thought they did not have to speak. He indicated he would like to have this referred to the Public Works Committee as there were some extenuating circumstances and so moved. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***REZONING Z-70-85 - LAKE BOONE TRAIL - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 23.1 acres from Residential-4 to Office and Institution-I (21.3 acres) and Conservation/Buffer (1.8 acres).

CR-5631 from the Planning Commission recommended that Z-70-85 be approved as requested.

Planning Director Chapman explained the request. Mr. McNeely indicated this particular case was put into a subcommittee pointing out the Homeowners' Association was for the request but the neighborhood was split. He indicated the bottom line is that they felt it met the Comprehensive Plan if they understood "what low intensity office uses means." He indicated the Planning Commission feels that the Commission and Council could deny any site plan that comes in that would violate the intent of low intensity office. Mrs. Cates indicated she knows that people spent a lot of time on this case and she thinks everyone reached an agreement. She indicated there still may be some opposition but based on the memorandum from the Meredith Woods Homeowners' Association and the comments on the Planning Commission CR, she would move approval of the Planning Commission's recommendation. She indicated she doesn't see anything that says that this will be a low intensity office use but she feels that is everyone's expectations and that is what she hopes to see when the site plan comes in. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 593 ZC 164

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Litchford Road, east side, between Dew Street and Rowland Road, being Parcels 8, 124, 137, and 356, Tax Map 353, rezoned to Residential-10. (Z-59-85)

(b) Lake Boone Trail, south side, between Myron Drive and Blue Ridge Road, and opposite Landmark Drive, Still Forest Place and Wesville Court, being portions of Parcels 62, 212, and 213, Tax Map 462, rezoned to Office and Institution-I (21.3 acres) and Conservation/Buffer (1.8 acres), according to map on file in the City of Raleigh Planning Department. (Z-70-85)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 6/18/85

Effective: 6/18/85

SPECIAL JOINT HEARING BEFORE THE PLANNING COMMISSION AND COUNCIL

***TC-13-85 - CONDITION USE ZONING - HEARING - REFERRED TO THE PLANNING COMMISSION

This was a joint hearing before the City Council and the Planning Commission to consider Text Change 13-85 - Conditional Use Zoning. Members of the Planning Commission present included: Mr. McNeely, Mr. Rice, Mr. Solomon, Mr. Williams, Mrs. Ridgeway and Mr. Durham. Planning Director Chapman briefly explained the proposed text change which would put conditional use zoning into place. Council Members had

received a copy of the proposed ordinance as well as a listing outlining the features of the proposed conditional use zoning. Planning Director Chapman indicated conditional use zoning is new to the City but is not new to North Carolina. He indicated the City of Raleigh was given the enabling legislation this year and staff has prepared the proposal. He indicated the Planning Commission has already had a work session and the proposed conditional use zoning has been explained to them. He indicated following the hearing, it is hopeful that this proposal could be considered as soon as possible and maybe get the conditional use zoning in place. Planning Director Chapman went over the ten features of the proposed conditional use zoning. Ms. Babb questioned why Administration decided to disallow a case from being switched from general zoning to conditional zoning with Planning Director Chapman indicating it is hoped that the applicant would work with everyone involved so that the surrounding neighborhood would know about conditions prior to the public hearing. He indicated staff wanted to discourage people from filing, seeing the opposition and then wanting to change the request. Ms. Babb indicated she had a little problem with that pointing out it seems that we could come up with a way to allow a case to be switched from general to conditional use even if this did require another public hearing. She stated she felt we should find some route to be able to move laterally from general to conditional use and build in whatever protections we need into the proposed ordinance. Mr. Walters indicated he agreed somewhat pointing out he hopes that we could work out some way for a variance or a waiver to allow a case, once in the rezoning pipe, to change from general to conditional with Mr. Chapman indicating the case could be denied and the Council could waive the two-year waiting period. The Mayor opened the hearing to the public.

Ben Taylor indicated, in his opinion, this is very well-written ordinance but he has some specific items or suggestions. He referred to page 3 of the proposed ordinance pointing out the last paragraph did not read well and he feels that this could be simplified. He referred to page 6, second sentence of the last paragraph, which reads "the requested use or uses must be permitted...". He questioned if the word "must" should be in this proposal. He referred to page 7, the last indented paragraph which indicates that the Planning Department may make suggestions but he wanted it clarified as to whether the applicant has to accept those suggestions. He referred to page 8 of the proposal indicating he did not understand Section 10-2116 questioning who would challenge and why should anything be involved other than the issue at hand, that is, the conditional use.

Attorney Clyde Holt, 327 Hillsborough Street, complimented the City Attorney and the Planning staff for doing a good job on this proposal. He indicated he had talked with representatives of both offices and agreed with the concept. He stated, however, he did have some questions about how this would work but feels it will be a workable ordinance. He pointed out this is a first attempt and cautioned the Council not to expect everything to be perfect right away. However, he feels it is a step in the right direction and he would urge the Council to adopt a proposal and amend it if needed. He stated he tends to agree with Ms. Babb and Mr. Walters as he does not feel that the Council wants to go on record as discouraging compromise. Therefore, he would like to see the proposal changed so that pending cases could be switched from general to conditional use or conditional use be amended to make it more restrictive. He indicated he understands what staff is doing but he feels a compromise procedure should be looked at. He also expressed concern about the 12-day period for amending the conditions by the applicant. He indicated he feels that is too restrictive as half of the zoning cases don't even get looked at for 12 days after the hearing basically because of the sheer number of zoning cases and workload of the Planning Commission and Council.

Jack Nichols, 2501 Kenmore Drive, was at the meeting representing the Text Change Committee of the RCAC. He commended the Council for seeking this legislation and getting it passed and expressed appreciation to the staff for working the proposals out. He indicated in the past the cooperation between the neighborhoods, developers, etc., was based on trust, etc., and he feels the adoption of this ordinance will provide a unique opportunity and encourage developers to go to neighborhoods with their cases before coming to the City. He indicated the RCAC strongly supports the proposal. He indicated he did have one question and that relates to the definition of "agrieved party" as outlined on page 7. He stated "agrieved party" does have a definition but should be clarified if that is the definition that would apply in this case. Mr. Nichols pointed out that on July 10 at 7:30 p.m. the RCAC will hold a Conditional Use Work Session and invited Council Members to attend. No one else asked to be heard, thus the hearing was closed and the matter referred to the Planning Commission.

COMMITTEES, COMMISSIONS AND BOARDS

***DOWNTOWN HOUSING IMPROVEMENT CORPORATION - APPOINTMENTS MADE

The City Clerk indicated the terms of William H. Poe, Jr., Bill Harvell, Edgar Davis, Sonnya Quinn and George Hawkins expires July 3. Nominations include Mr. Davis, Mrs. Quinn, Dan Ellison, Gus Anderson and Ruth Pope. Nominations have not been closed. There being no nominations, Ms. Black moved that nominations be closed and the five nominees be appointed by acclamation. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***TRANSIT AUTHORITY - APPOINTMENTS MADE

The Clerk reported the following terms expire July 3, 1985: Shelby Alford, Phil Harvell, Hiriam Casebolt and Thomas Hilliard. All have been nominated for

reappointment and nominations have not been closed. There being no further nominations, Mr. Walters moved that nominations to the Transit Authority be closed and the five appointed by acclamation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***HISTORIC PROPERTIES COMMISSION - NO ACTION TAKEN

The City Clerk reported five vacancies remaining on the Historic Properties Commission. Nominations include Robert Anderson. No action was taken.

***ARTS COMMISSION - NOMINATIONS MADE

The Clerk reported one vacancy due to the resignation of Patricia Caple. No nominations have been made. Mr. Congleton nominated Katy McKoy. Mr. Calloway nominated Horace Caple.

***CIVIC CENTER AUTHORITY - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Jim Ramsey who has moved out of the City. No nominations have been made. Mr. Congleton nominated John Booth. Mrs. Cates nominated Jesse Brinkley. Mrs. Block nominated Louise Lockwood Zororoski. No further action was taken.

***APPEARANCE COMMISSION - NOMINATIONS MADE

The Clerk reported the terms of Carlton Midyette and Vince Zucchino expire August 16. Both are eligible for reappointment. Mr. Congleton nominated Mr. Midyette. Mrs. Block nominated Mr. Zucchino. No further action was taken.

***BOARD OF ADJUSTMENT - NOMINATIONS MADE

The Clerk reported the term of alternate member Micou F. Browne expires August 15. No nominations have been made. Mr. Walters nominated Mr. Browne. Mrs. Block nominated Ann Franklin.

***DOWNTOWN ADVISORY COMMITTEE - MR. WALTERS TO WORK ON RECOMMENDATION

The City Clerk indicated there are fourteen terms that expire in August and she had attached a complete listing of the Downtown Advisory Committee. She stated all but three of those fourteen terms are representatives of various groups. The Council may wish to request these various groups to make suggestions or appointment or reappointment of their representative. No nominations have been made. Brief discussion took place and Mr. Congleton moved that we set up some type committee to get with these different groups and get their suggestions and make a recommendation back to Council. Mayor Upchurch asked Mr. Walters to work through this with the Downtown Advisory Committee.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NOMINATION MADE

The Clerk reported the term of Kay Holder expires August 16. No nominations have been made. Mayor Upchurch nominated Ms. Holder.

***MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED

The City Clerk indicated she had sent Council Members a copy of a letter from Robert Sexton, Chairman of the Mayor's Committee on Services to the Handicapped. Mr. Sexton has suggested that John C. Brooks be replaced on the Committee by Ronita Caldwell and that Tom Lanier be replaced by Jane Green. He indicated Mr. Brooks nor Mr. Lanier are employed in the job they were in when appointed to the Committee and the suggested replacements are their replacements at their job. The Clerk indicated Mr. Sexton also suggests that Mary Niebur be appointed to the Mayor's Committee on Services to the Handicapped. It was pointed out that this Board has no set makeup. Mrs. Block moved that the suggestions outlined by the Chairman of the Mayor's Committee on Services to the Handicapped be confirmed. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

***GREENWAY COMMISSION - ANNUAL REPORT - REFERRED TO ADMINISTRATION

Chairman Keller reported the Law and Finance Committee recommends that the Greenway Annual Report be referred to Administration to bring back to the City Council at the appropriate time. On behalf of the Committee, he moved that the recommendation be upheld. He indicated the annual report contained about six items which were not Council-related items, therefore, the Committee felt that Administration should look at the report and bring it back to the Council at the appropriate time. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***CAC - REVIEW AND EVALUATION - ACCEPTED - SUGGESTION MADE

Mr. Keller reported the Law and Finance Committee recommends acceptance of the report prepared on the review and evaluation of the CACs and commend the CACs for their

efforts and work. The Committee also recommends that the CACs pursue efforts in getting more people involved in their activities and making sure the CACs address wider issues than just zoning questions. The Committee recommends urging the CACs to develop a plan of action to do this, understanding that this may call for additional funding and/or personnel, but this plan of action would be brought back to the Council for consideration. The Committee also recommends that the CACs be covered and emphasized in an "At Your Service" publication in the water bills as soon as possible. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Ms. Babb indicated she would like to commend Bernadine Weddington for the workshops on conditional use and the recent workshops on transportation issues. She indicated, in her opinion, that is the kind of thing that the CAC should be involved in. Mrs. Block indicated she, too, would commend the CAC on the work they have been doing. She indicated, just as a recommendation to the CAC, that in their efforts to increase their membership that maybe they could take precinct by precinct and invite people to their meetings. She stated at least this would give them added knowledge that the CACs do exist. The motion, as stated, was put to a vote which passed unanimously.

***NONDISCRIMINATION - STANDARD DISCLAIMER - ORDINANCE AMENDED

Mr. Keller reported the Law and Finance Committee recommends that Ordinance 1969-889 - As Amended be further amended to include "age" and "handicapped" and further recommends that the standard disclaimer relating to all City contracts would also be amended in this manner. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Calloway indicated he thought we were going to look at the possibility of adding "sex" with Mr. Keller pointing out our ordinance already includes sex. The motion, as stated, was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 594

AN ORDINANCE TO AMEND ORDINANCE NO. (1969) 889 AN AMENDED

WHEREAS, Ordinance (1969) 889 was amended by Ordinance (1971) 63 and (1973) 425; and,

WHEREAS, the City Council of the City of Raleigh wishes to further amend Ordinance (1969) 889 to add "age" and "handicap."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Ordinance No. (1969) 889, as amended, be and the same is hereby further amended as follows: by adding, before the words, "sex, race, color, creed, or national origin," in the first and second paragraph thereof which begin with "WHEREAS" and in the first numbered section of Ordinance (1969) 889, the words "age, handicap."

Section 2. That all resolutions, policies, or other documents of the City be and the same are hereby authorized to be and are hereby amended to conform to the obvious intent of this ordinance.

Section 3. That this ordinance shall become effective upon adoption.

Adopted: 6/18/85

Effective: 6/18/85

***GREENWAY COMMISSION/PARKS AND RECREATION ADVISORY BOARD - MERGED - ORDINANCE ADOPTED

Mr. Keller indicated this is an item that there is controversy among the two groups involved. He indicated this is something that has been concerning them for the four years he has been a City Council Member. He indicated the item was referred to Committee and the Committee deliberately delayed action until the new Parks and Recreation Director got on board. He indicated looking at the whole matter it is felt that having two groups was a mistake and it is felt it is time to correct the situation. He stated the merger of the Greenway Commission and the Parks and Recreation Advisory Board will be painful for all involved but, in his opinion and the opinion of the Law and Finance Committee, these programs are one and the same. He pointed out the Law and Finance Committee had made a recommendation relative to dissolving the existing Parks and Recreation Advisory Board and Greenway Commission and establishing a new Board by members of the existing two Boards making recommendations. He stated, however, both groups indicate a reluctance to nominate people to be on the new Board, therefore, with the consent of the two other Law and Finance Committee members, he would change the recommendation and on behalf of the Law and Finance Committee would move that the Parks and Recreation Advisory Board and Greenway Commission be merged into a new Board to be a policy advisor to the City Council on programs relating to parks, recreations, greenways and the urban tree programs. It is recommended that the members of the two existing Committees would become members of the new Committee and each member's date of appointment and current expiration of term would remain as they are and when their terms expire, they would not be replaced until the Board is down to fifteen members through attrition. He

stated with this change he would recommend adoption of an ordinance establishing this new Board effective September 1, 1985. It was pointed out Council Members received information in their Agenda packet on actions, including appropriate ordinances, to set up this new Board. His motion was seconded by Ms. Babb.

Mr. Walters indicated he still has some reservation about this and can agree with most of what Mr. Keller has stated but suggested the possibility of having one big Board as an umbrella advisory policy and then have various committees for greenways/trees/parks, etc. He stated he was just not ready to vote on this today. Mr. Keller indicated the Law and Finance Committee did give a lot of long, serious thought to that possibility but if you have a committee divided into subcommittees along this line, you would still have the same problems in lines of responsibility. He indicated within one year, if this recommendation is followed, the new Board would be down to fifteen members. He pointed out the people on the Board are highly competent and he would feel very comfortable with people on the Greenway Commission making recommendation on recreation items, and vice versa. He indicated he feels the new makeup would just make for a more comprehensive approach. Ms. Babb agreed and reiterated her feelings in the need to have a comprehensive planning approach and pull the system together. Mrs. Block pointed out the contributions of the various Board members over the years has been great. She indicated, however, she feels comfortable about the merger pointing out we have a new Parks and Recreation Director and he recognizes this all as one program. She stated she has a great confidence in all members of the two existing committees and she feels that the combined committee will be an asset. Mr. Calloway indicated he was not sure whether he agreed or disagreed but he doesn't feel comfortable with the recommendation at this point as he would like an opportunity to think about it further. Mrs. Cates agreed that she did have apprehension about the recommendation of the Law and Finance Committee. She stated she would like to know what we want to accomplish by doing this and she would like to have time for further discussion. She pointed out there are a lot of anxieties on the part of the members on these Boards and they have worked long, hard and unselfishly and she would just like a full discussion on this proposed merger. She indicated she had attended many meetings of both groups and they are both hard working groups. She stated we have a number of citizens who want to serve on committees and here we are talking about doing away with committees rather than adding committees. She stated she feels protective about good things and, in her opinion, the Greenway Commission and the Parks Board are two of the best things the City had going for it. She stated she would like to have a little more time to study this matter, would like to receive the comments of the new Parks and Recreation Director and how he feels about this proposed merger and, in summary, she is just not ready to vote today. Therefore, she would make a substitute motion that this item be delayed until the next meeting. Her substitute motion was seconded by Mr. Calloway.

Mr. Congleton indicated he feels that this has been studied and Mr. Keller has done his homework on this item. He questioned what can be gained by waiting two weeks pointing out everyone has pretty well spoken to the issue. He stated the Parks and Recreation Board and the Greenway Commission have both done outstanding jobs and no one is saying they have not and he does not feel that what the City Council is endeavoring to do will harm that relationship. Mrs. Cates pointed out that the Chairmen of the two Boards have had an opportunity to speak, however, the other members have not. She indicated she feels that the two Boards could meet with staff and talk about this and she would like to be involved but she just does not feel ready to vote on the recommendation today. The substitute motion to delay this item for two weeks was put to a vote with results as follows: Ayes - Calloway, Cates, Walters; Noes - Babb, Block, Congleton, Keller, Upchurch. The Mayor ruled the motion defeated. Discussion took place on the original motion with Mr. Walters indicating he does not ever remember a time when the Council had had a request to delay something and that was voted down. The original motion as made by Mr. Keller was put to a vote with results as follows: Ayes - Babb, Block, Congleton, Keller, Upchurch; Noes - Calloway, Cates, Walters. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 595

AN ORDINANCE CREATING A PARKS AND GREENWAY ADVISORY BOARD

WHEREAS, the City Council desires to establish one citizen advisory board to advise the City on the Parks and Recreation program including Greenway and Urban Tree program; and

WHEREAS, the City Council desires to combine the advisory board roles formerly provided by the Parks and Recreation Advisory Board and the Greenway Commission; and

WHEREAS, the City Council hereby affirms its commitment and support of all of the existing Parks and Recreation programs; and

WHEREAS, the City Council hereby affirms its support for the importance of the Greenway program and the value of the Greenway program to the City of Raleigh in providing for the preservation of scenic and open space, the provision of recreational space, and in floodplain management.

WHEREAS, the City Council deems it to be in the public interest to establish a single advisory board that will provide the City Council with the most comprehensive advice on the whole Parks and Recration programs (including the Greenway and Urban Tree program).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. BOARD CREATED

There is hereby established a Parks and Greenway Advisory Board.

Section 2. MEMBERSHIP

The Parks and Greenway Advisory Board (hereinafter referred to as the Board) shall be composed of fifteen members. All current members of the Greenway Commission and the Parks and Recreation Advisory Board will be members of the Parks and Greenway Advisory Board until the expiration of their current terms. Thereafter, the City Council will select members to the Board. No new appointments or re-appointments will be made to the Board until the Board has fewer than fifteen members.

No member shall have a combined total of more than eight years of service on this Board, the Parks and Recreation Advisory Board, or the Greenway Commission.

Up to five members of the Board may reside outside the City Limits within the City extraterritorial jurisdiction.

In addition to the regular members of the Board, there may be non-voting ex-officio members as follows: one representative of the City Council, one representative of the Wake County School Board, one representative of the Planning Commission, and the City Manager or his representative.

No new appointments or re-appointments will be made to the initial Board membership until the Board has fewer than fifteen members. Thereafter appointments will be made in accordance with the provisions of Section 1-4002 et seq. of the City Code.

Section 3. ORGANIZATION

A. There shall be a chairman and a vice-chairman of the Board elected from the membership of the Board for one year terms. The chairman shall serve no more than two consecutive terms. An annual election shall be held by the Board Members and shall occur at a regular meeting in September. At the initial meeting of the Board in September, 1985, the officers will assume office immediately. Thereafter, new officers shall officially take office at the subsequent regular meeting following their election. In the event an officer's appointment is terminated, a replacement shall be elected from its membership by the Board at the meeting following the announcement of termination.

B. The Board chairman shall preside at all meetings and shall sign all documents relative to action taken by the Board. The chairman shall appoint committees, as he from time to time deems necessary. A nominating committee shall be appointed prior to the September meeting and shall prepare a slate of officers to serve the Board for the following year. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman.

C. Secretary to the Board

The director of Parks and Recreation shall serve as secretary to the Board. The director may share all or part of these duties with other staff members of the Parks and Recreation Department but shall be held responsible for secretarial duties. The secretary shall mail copies of the official minutes of all regular or special Board meetings to Board Members prior to the next scheduled meeting.

D. Meetings

Regular Board meetings shall be held on a monthly basis. The chairman, or, in his absence, the vice-chairman may call a special meeting of the Board at any time by giving actual (oral or written) notice to call all members in advance in compliance with North Carolina General Statutes governing meetings. Special meetings shall be scheduled upon request of eight (8) or more Board Members. Notice of special meetings requested by Board Members shall comply with open meeting laws.

E. Quorum

Eight regular members of the Board shall constitute a quorum for the transaction of business at any meeting of the Board.

F. Rules

Any question concerning parliamentary procedure at meetings of this Board shall be determined by reference to Robert's Rules of Order.

Section 4. PURPOSES

This Board shall serve as the Citizen Advisory Board to the City Council, on issues related to Parks and Recreation policy matters (including Greenway matters). This area of responsibility shall include advising on matters related to the funding of the Parks and Recreation capital program, Parks and Recreation program policies, facility planning, and the acquisition of lands related to the Parks and Recreation program.

The responsibilities of this Board in considering Parks and Recreation policy matters are to include all programs of the department. Within the scope of its responsibilities, the Board should work to continue the development of the Greenway system and the Urban Tree program. This Board shall serve as a liaison between the CIty and the citizens of the community and shall also work to promote all Parks and Recreation programs.

Section 5. That all laws and portions of law thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Resolution (1974) 144 (as amended) creating the Greenway Commission is hereby repealed.

Section 7. Article B (Section 9-1011 - Section 9-1021 of the City Code (relating to the Parks and Recreation Advisory Board) is hereby repealed.

Section 8. That this ordinance shall become effective September 1, 1985.

Adopted: 6/18/85

Effective: 9/1/85

***SOCIAL AGENCY FUNDING - TENTATIVE APPROVAL FOR SAME LEVEL; PROJECT SELF SUFFICIENCY FUNDED IN COMMUNITY DEVELOPMENT PROGRAM; YWCA - GOLDEN OAKS - FUNDED

Mr. Keller indicated the Law and Finance Committee recommends that all of the social agency programs be funded in the FY 85-86 Budget at the same level that they are funded in the FY 84-85 Budget. It is understood that no new program would be funded, and this recommendation relates to those programs funded in both the Community Development and regular budget.

On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Mr. Keller indicated there was discussion in the Committee relative to a $15,000.00 appropriation to provide Project Self Sufficiency which is being conducted by the Housing Authority with supplemental help. He indicated Administration was asked to look at this request and come to the Council Meeting and indicated the need for additional money for this program and make a recommendation as to whether it should be funded and, if so, whether it should come out of Community Development or Revenue Sharing Funds. He stated it would be appropriate to receive the report from Administration. City Manager Benton indicated Administration would suggest that the program be funded through the Community Development budget and that Gethsemane Rainbow be considered as a part of the regular agency funding from Revenue Sharing. He indicated the previous action on the social agency funding by the Council increases the funding to agencies by $50,375.00 and if the Gethsemane Rainbow appropriation is transferred to Revenue Sharing, then it would be increased to $65,375.00 over what is currently in the proposed budget. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Keller.

Mrs. Cates questioned if this is a final decision on the agency appropriation with City Manager Benton indicating Administration will take this as an expression of intent and add it to the budget but the budget will be voted on as a package. Mrs. Cates questioned an appropriation to the YWCA Golden Oaks Club pointing out they were funded in the past and questioned how they were funded pointing out they feel that they just fell through the cracks as they will not be funded under this proposal.

Later in the meeting Assistant City Manager Wray indicated in the Fall of 1983, the YWCA Golden Oaks Program came in and requested an appropriation from the Jobs Bill money. He indicated that was funded and at the beginning of this fiscal year, FY 84-85, they had $10,000 left and they asked that that money be carried over; therefore, that is the funding they received for FY 84-85 - carried over from 83. Ms. Babb indicated this is a technicality in that any time you roll money over at budget time it is considered new money, therefore, she would move that the City Manager scrounge around one more time and find $10,000.00 for funding for the Golden Oaks Program at the YWCA. Her motion was seconded by Mr. Calloway. Brief discussion took place after which the motion, as stated, was put to a roll call vote and resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SC-25-85 - SHONEY'S SIGN - APPROVED; ADMINISTRATION TO CONTINUE EFFORTS ON SIGN ORDINANCE UPDATE

Mr. Keller reported by split vote, the Committee recommends that this request for approval of a 126 square foot sign for an existing fast food restaurant on a 0.92 acre site, zoned Shopping Center, be approved according to a map entitled, "Shoney's Sign," the property of Shoney's South, Inc., drawn by Acken Signs, dated May 22, 1985.

The Committee requests that Administration continue their efforts in updating the sign ordinance and expedite recommendations to the City Council. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by

Ms. Babb and put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***CONSERVATION/BUFFER - MERITS OF EXPANDING STAKING - PLANNING COMMISSION ASKED TO TAKE ACTION

Mrs. Block reported the Public Works Committee requests that the Planning Commission take action on the section of TC-272 covering delineation of Conservation/Buffer (resource management) zones, which is currently pending in the Text Change Subcommittee. This item is being held in the Public Works Committee pending a recommendation from the Planning Commission. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to vote which passed unanimously. The Mayor moved the motion adopted.

***WATER ALLOCATIONS - POLICIES - CLARIFIED

Mrs. Block reported the Committee reviewed the City policy relating to water and sewer sales to municipalities and recommends that the City continue the current policy on the granting of permanent allocations.

The Committee recommends that the City not sell water to any private water company for a cost less than the rates paid by municipal contract customers.

It is recommended that temporary allocations be for a period not to exceed six months. Any extension beyond the six-month period would be considered permanent, and the contracting party would be responsible for payment of retroactive capital facilities cost.

On behalf of the Public Works Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. City Manager Benton indicated we do not sell any water at this time and questioned if this is a change of policy or what. Mrs. Block indicated we are only talking about emergency conditions. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***TEXT CHANGE TC-8-85 - CLUSTER UNIT DEVELOPMENT - YARD SETBACKS - ORDINANCE ADOPTED

Mrs. Block reported the Public Works Committee recommends approval of this text change as presented. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Ms. Babb indicated she would like to be excused from participation in this matter as her husband was involved in the text change. Without objection, Ms. Babb was excused. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative except Ms. Babb who was excused. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 596 TC 241

AN ORDINANCE TO AMEND CLUSTER UNIT DEVELOPMENTS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. SEction 10-2002 of the Raleigh City Code is hereby amended to add a new definition cluster unit development, said definition shall immediately follow the definition of changeable copy sign and it shall read as follows:

"Cluster Unit Development. A "cluster unit development" shall consist of residential structures on a site of at least twenty (20) contiguous acres in size in the R-1 and R-4 districts or at least ten (10) acres in other districts where the developers of the land may reduce the size of individual lots as set forth in 10-3071.".

Section 2. Section 10-2026 of the Raleigh City Code is hereby amended to add a new subsection, 10-2026(k), of the Raleigh City Code which shall read as follows:

"(k) Cluster unit development of ten (10) acres or more under Chapter 3, Part 10 of this Code.".

Section 3. Subsection 10-2072(b) of the Raleigh City Code is hereby amended to add at the end of said subsection the following:

"The following minimum setbacks shall apply to cluster unit developments:

(1) Group housing developments, multi-family dwellings, townhouse developments, and condominium developments shall comply with Sections 10-2075, 10-2075.1, 10-2072(d) and 10-2072(c), respectively.

(2) Single-family dwellings shall comply with the following yard requirements:

a. Street yards. No structure shall be located closer than thirty (30) feet from a private drive, measured from the center line of the

pavement. No structure shall be located closer than fifteen (15) feet from public street rights-of-way.

b. Rear yard. The rear yard shall not be less than twenty (20) feet, except when the rear yard adjoins a public street or private drive the setback shall be calculated in accordance with subsection (2)a. above.

c. Aggregate front and rear yards. The aggregate setbacks of front and rear yards shall not be less than forty-five (45) feet.

d. Aggregate side yards. The aggregate width of the side yards shall not be less than fifteen (15) feet.

(3) It is recognized that cluster unit developments contain a broad range of housing styles including condominiums, townhouses, multi-family, and group housing; and special regulations are established to protect adjoining properties. The peripheral yard spaces established in this section are supplemental to other required yard spaces; however, these other yard spaces may be utilized to satisfy the requirement of the peripheral yard regulations if they otherwise comply with the special peripheral yard regulations. When a cluster unit development adjoins or abuts properties zoned either R-1 or R-4, the peripheral lots for those portions of the cluster unit development are required to:

a. Contain a single-family dwelling on its own lot with a minimum lot size of ten thousand eight hundred ninety (10,890) square feet and dimensional yard requirements which comply with the R-4 zoning district; or

b. Contain peripheral yards of at least fifty (50) feet in width, except lots with detached family dwellings are required to contain thirty (30) feet in width minimum peripheral yards. No off-street parking spaces; loading areas; driveways; except for a driveway which exclusively serves one single-family dwelling or a joint driveway which serves only two (2) single-family dwellings; or buildings are allowed within peripheral yard spaces. No building over twenty-five (25) feet in height shall be located on a lot with a peripheral yard space, provided such buildings may be constructed to a height over twenty-five (25) feet if one foot of additional width is added to each peripheral yard for every foot of height over twenty-five (25) feet.".

Section 5. Subsection 10-3071(b)(2)b. and c. are hereby repealed in their entirety and are rewritten to read as follows:

"b. Single-family dwellings shall comply with the yard requirements of Subsection 10-2072(b)(2).

c. Yard spaces for cluster unit developments which adjoin or abut properties zoned either R-1 or R-4 shall comply with the peripheral requirements of Subsection 10-2072(b)(3).".

Section 6. Section 5 of this ordinance has been filed with the Wake County Register of Deeds as required by law.

Section 7. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 9. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 11. This ordinance shall become effective five (5) days following its adoption.

Adopted: 6/18/85

Effective: 6/24/85

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***EAST RALEIGH PLANNING DISTRICT - PUBLIC LAND USE UPDATE - PUBLIC HEARING AUTHORIZED

Ms. Babb reported Council Members will receive in their Agenda packet a proposed land use plan for the East Raleigh Planning District, dated May 13, 1985. The Committee recommends this plan to the City Council for scheduling for public hearing in July.

On behalf of the Committee, Ms. Babb moved the recommendation be upheld. Her motion was seconded by Mrs. Block and put to a vote which passes unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE HUMAN RESOURCES HUMAN RELATIONS ADVISORY COMMITTEE

***SHELTER LEGISLATION - REPORT AND RECOMMENDATIONS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Mabel Dorsey, representing the Human Resources and Humans Relations Advisory Committee, gave a historical review of the shelter legislation, study by the Human Resources and Advisory Committee and recommendations for additions and deletions to existing ordinances that the Committee feels will have a maximum impact on the distribution of shelters city wide and the facilitation of nonprofit and charitable groups exercising their responsibilities and desires to address human problems in the City. She indicated if their recommendations are implemented and this occurs, it will relieve the City of Raleigh of the responsibility of delivering services but places it in the appropriate roll of regulating and monitoring programs and activities in the City. Without discussion, this item was referred to the Law and Finance Committee.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

***RUN FOR THE OAKS - INFORMATION RECEIVED

Carole Sawicki, representing the Parks and Recreation Advisory Board, was at the meeting to tell the Council about the annual Run for the Oaks. She explained the history of this race and the intent to cover all of the expenses of the race by sponsor donations. She stated last year $4,000 was raised for the tree program in the City of Raleigh and some 450 plants have been purchased. She gave Council Members information on the type of plants and where they have been planted. She stated this year the race has grown in number of sponsors and interest and presented a brochure about the race. She pointed out there are notes on the brochure about safety after dark and they have been able to secure some fluorescent materials, such as reflective vests, hot spots and reflective tape, that will be given to race participants randomly. She explained the interest and the participation in this year's event pointing out we already have more people registered than competed last year. Council Members commended Ms. Sawicki on the work for Run for the Oaks with Mr. Keller commending them for the use of the reflective material. He explained the Law and Finance Committee had discussed the possibility of requiring joggers to wear reflective clothing but, instead, chose to go the educational route and he feels this is good.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

***BUSINESS AND TECHNOLOGY CENTER - HELD IN COMMITTEE

Mr. Calloway indicated the Committee was ready to make a recommendation but at the request of Mayor Upchurch he would hold this item in Committee. Mayor Upchurch indicated the Chamber of Commerce did commit $50,000 to help with the establishment of the Center and we may have to fund this ourselves. He stated he would like an opportunity to ask the Chamber how they plan to work with the City. This was discussed briefly after which it was agreed to hold the item in committee.

***SWIFT CREEK - REQUEST TO EXTEND RALEIGH'S ETJ - CITY TO REQUEST EXTENSION

Mr. Calloway indicated the Intergovernmental Liaison Committee recommends removal of these items from the Agenda. The Committee further recommends that the City Attorney draft proposed legislation to go before the General Assembly to remove the loophole where a municipality can satellite annex an area in another municipality's or Wake County's jurisdiction without approval by Wake County. On behalf of the Committee, Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Walters.

Mrs. Block indicated because of several changed circumstances, she would like to make a statement and a substitute motion as follows:

"Southern Wake County is changing. Since the Southern Beltline has opened, residential development has been mushrooming in Southern Wake County.

Of the thirty-six subdivisions approved by the County between October, 1984 and April, 1985, twenty-seven subdivisions (or seventy-five percent) have been in southern parts of the County.

The County watershed zoning requires that 230 acres near Swift Creek be used for residential development. However, there are another 670 acres in the watershed which are not restricted to residential development.

In 1970, there were 20,500 people in this area. In 1980, there were 26,200 people in this area. In 1984 there were 30,700 people in this area.

It is believed that Raleigh should make the planning decisions in this area to protect its present and future water supplies.

The southern lakes are predicted to be used again for Raleigh's water supply in fifteen years or less. This is in our comprehensive and other plans.

If this area is not in Raleigh's jurisdiction, growth could be hemmed in on the southern borders of our City.

As Mr. Walters has stated in the Intergovernmental Liaison Committee of April 11, 1985, "a reason to ask for a property to be in the City's ETJ is to plan for the area so it can be taken into the City when it becomes an urban developed nature."

The City can also request an extension of ETJ to protect a water supply. In making this request, Raleigh recognizes and commends the County for their efforts and interest in protecting the water supplies, and we appreciate this.

However, the combination of events are such that we believe that Raleigh's ETJ should be extended as far as possible into the Swift Creek area.

It is recognized that there is much State owned land in this area; however, it is noted that Raleigh is in the process of annexing Umstead Park. Also, the changing status of Dix Hospital property, which is also State owned land, should be noted. A lot of State land is zoned O&I. With ten families a day moving into Raleigh, an urban status is being rapidly achieved in many areas, including Swift Creek.

At one time, it was felt this area would never be sewered because Raleigh did not use pump stations and package plants were not in vogue. However, both of these methods are now used to develop to urban density.

A trend toward urban development is rushing upon us. This growth needs to be planned by Raleigh. It should be in Raleigh's ETJ.

The residents of the Swift Creek Association have requested that they be included in Raleigh's ETJ.

Therefore, in view of these changing circumstances, I will make a substitute motion that Raleigh request that the Wake County Commissioners grant the extension of Raleigh's ETJ to the three mile limit in the Swift Creek area.

One additional point was brought to my attention this morning. These current developments are all on wells, either individual or community. As the water table sinks and is depleted, water must be supplied from somewhere.

The pipes, if this area were in our ETJ would be standard and ready to attach to the Raleigh water system. Otherwise, a big expense to homeowners and to the utility system occurs when the attachment to city water is made."

City Attorney McCormick indicated as far as the last sentence of the Committee's recommendation is concerned, he has a little problem pointing out it would be 1987 before the City could introduce any legislation before the General Assembly. He stated we can currently annex in someone else's ETJ and satellite annexation is by petition. He stated he just does not understand the Committee's recommendation about going to the General Assembly. Mr. Calloway and Mr. Walters withdrew that portion of the motion. Mayor Upchurch indicated that things have changed with Mr. Walters pointing out this has already been taken to the County and they have said if they extend the ETJ to anyone, it will be Raleigh. He stated if we are trying to protect the watershed by the substitute motion, he feels that is a moot point as they have already adopted ordinances. After brief discussion, the substitute motion was put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

***PROPERTY TAX - USED FOR ROADS - REMOVED FROM THE AGENDA

Chairman Calloway indicated the Committee recommends removal of this item from the Intergovernmental Liaison Committee agenda with no action taken. He stated this item was discussed with Wake County and did not receive a positive response. Without objection, the item was removed.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***TRANSIT TRANSFER BLOCK - VARIOUS LOCATIONS - CONDEMNATION RESOLUTIONS ADOPTED

Mr. Walters pointed out the Real Estate Committee recommends adoption of condemnation resolutions on property at 233 - 237 South Wilmington Street owned by the following parties for the new parking deck construction in the proposed Moore Square Transit Transfer Block: Mrs. Marguerite B. Joyner, William H. Joyner, Jr., Garland Tucker, Thomas A. Norris, III, Morris Golden and Leon Capetanos. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolutions 841, 842, 843, 844, 845 and 846.

***ATLANTIC AVENUE EXTENSION - CONDEMNATION - RESOLUTIONS ADOPTED

Mr. Walters reported the Real Estate Committee recommends adoption of condemnation resolutions on property owned by the following parties for the construction of Atlantic Avenue extension:

1. Carolina Storage Corporation - Calvin B. Koonce, 2114 Atlantic Avenue; and

2. J. Harold and Alma M. Tharrington (Dumas Oil Company) - 1702 Old Wake Forest Road.

On behalf of the Committee, he moved the resolutions be adopted. His motion was seconded by Mrs. Block and put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted. See Resolutions 847 and 848.

***STREET CLOSING - WADE AVENUE RIGHT-OF-WAY - RESOLUTION OF INTENT ADOPTED

Mr. Walters indicated the Real Estate Committee recommends adoption of a resolution to close the old right-of-way of Wade Avenue between Brooks Avenue and Duplin Drive. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 849

A RESOLUTION OF INTENT TO CONSIDER CLOSING WADE AVENUE (BROOKS AVENUE TO DUPLIN DRIVE) RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

WADE AVENUE (BROOKS AVENUE TO DUPLIN DRIVE)
PROPERTY DESCRIPTION

Beginning at a point, said point being the intersection of the existing eastern right-of-way line of Duplin Drive and the old northern right-of-way line of Wade Avenue; thence along said old right-of-way line south 85 deg 42 min east 355 feet to a point being the intersection of the existing western right-of-way line of Brooks Avenue and the northern right-of-way line of Old Wade Avenue' thence south 4 deg 20 min west 60.0 feet to a point being the intersection of the existing western right-of-way line of Brooks Avenue and the old southern right-of-way line of Wade Avenue; thence along said old right-of-way line north 85 deg 42 min west 242.7 feet to a point in the existing new northern right-of-way line of Wade Avenue; thence northerly along said northern right-of-way line on an arc length approx. 128 feet more or less to the point and place of beginning. Further reference is made to a map prepared by CITY OF RALEIGH DEPT. OF CENTRAL ENGINEERING, entitled PROPOSED R/W LOCATION, INTR. WADE AVE. & BROOKS AVE. dated 1-24-1957, and recorded in Book of Map 1958 Page 116, in the Office of the Register of Deeds for Wake County, North Carolina.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, August 6, 1985, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 6/18/85

***COMMUNITY DEVELOPMENT - VARIOUS ACTIONS TAKEN

Mr. Walters indicated the Real Estate Committee recommends that the administrative recommendations be approved as follows:

1. Compensation to the property owner at 825 E. Martin Street in the amount of $388.91 for property taken in the widening of Bladen Street.

2. The fair market disposition or reuse values on the following parcels:

a.	113 S. Haywood Street	$35,000.00
b.	117 S. Haywood Street	$35,000.00

3. The fair market acquisition values on the following parcels:

a.	604 Haywood Lane	$ 4,000.00
b.	612 Haywood Lane	$10,500.00
c.	613 Haywood Lane	$14,000.00
d.	605 Haywood Lane	$ 8,500.00
e.	607 Haywood Lane	$ 4,000.00
f.	Haywood Lane (no address given) Parcel No. B0061-0039	$ 7,000.00

4. The fair market disposition values on the following parcels:

a.	111 S. Haywood Street B7-21	$37,750.00
b.	110 S. Haywood Street B6-27	$39,250.00
c.	118 S. Haywood Street B6-24	$39,250.00
d.	119 S. Haywood Street B7-21	$40,750.00

On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

***DOWNTOWN DEVELOPMENT CORPORATION - REAPPOINTMENT OF MEMBERS - APPROVED

The approved bylaws of this group provide that the Board of Directors submit nominations for vacant positions and that the Council shall approve and make appointments from the list submitted. The terms of three members for three years are expiring on June 30, 1985:

Walter L. Brown, Jr.
Daniel Satisky
Stanley Green, Jr.

Council Members have received a letter recommending the reappointment of these three individuals.

Ms. Babb moved approval of the nominations as submitted. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***RALEIGH LITTLE THEATRE - BOARD OF DIRECTORS - APPROVED AS PRESENTED

The lease agreement with Raleigh Little Theatre provides that the City Council will approve the Board of Directors. Included in the Agenda packet was a list of recommendations for the Board.

Recommendation: Council may wish to consider the recommendations.

Mrs. Cates moved that the Board of Directors, as submitted, be confirmed. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CARROLL MIDDLE SCHOOL TRACK - LIGHTING - CONCEPT APPROVED - ADMINISTRATION TO PURSUE WITH SCHOOL SYSTEM; ADMINISTRATION AUTHORIZED TO SUBMIT GRANT APPLICATION

Administration was requested to pursue the feasibility of putting lights at this facility to enhance public use of the track. An assessment has been made of this proposal, and it will cost $10,000 to install the lighting. The School System has expressed agreement subject to a Memorandum of Agreement being developed and approved.

Recommendation: That the Council approve this concept and authorize development of an agreement with the School System suitable to assure public use to justify the investment and to satisfy the needs of the School System. This agreement would be brought to Council for approval. No funds are budgeted and funding will need to be from Parks Capital Contingency.

Brief discussion took place and Mr. Congleton moved that the Manager's recommendation be upheld. His motion was seconded by Ms. Babb. City Manager Benton indicated there may be the possibility of submitting a grant request to the County for funding of this and asked if the motion could include authorization to file the grant request. Mr. Congleton and Ms. Babb amended the motion to include this provision. The amended motion was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Brief discussion took place on the type of agreement that should be worked out with the County with City Manager Benton indicating this would all be provisioned upon the City being able to work out an agreement that would guarantee public access. Mrs. Cates questioned who would pay the electric bill with Mr. Benton indicating this was one of the things that would have to be worked out in the agreement.

***TURKEY CREEK SANITARY SEWER LINE - BIDS AWARDED TO J. F. WILKERSON - BUDGET AMENDMENT ADOPTED

Bids have been received for the construction of the Turkey Creek sanitary sewer line from Crabtree Creek, northward to a point approximately 3,000 feet north of Glenwood Avenue. A copy of the bids was included in the Agenda packet. Six bids were

received, with the low bid being submitted by J. F. Wilkerson and Company in the amount of $1,284,178.50.

The City has an agreement with the developers of the property in this area to fund this project. All funds in excess of $300,000 must be provided to the City prior to award of this bid.

Recommendation: It is recommended that the bids be approved and that a budget amendment be approved to indicate the income from the developers and the funding for this project.

Mrs. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 597

AN ORDINANCE TO AMEND THE 1984-85 BUDGET ORDINANCE OF THE CITY OF RALEIGH AND TO ESTABLISH FUNDING FOR THE TURKEY CREEK SEWER PROJECTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1984-85 Budget Ordinance be amended by increasing the following accounts to accept funds for construction of the Turkey Creek sewer line.

REVENUE:	81-1-0020-0101	Turkey Creek Revenue	$948,178.50
EXPENDITURE:	81-2-2200-0101	Turkey Creek Const.	$948,178.50

Section 2. That the 1984-85 Budget Ordinance of the City of Raleigh be amended by transferring monies from one account to another as set out below:

Transferred From:

06-2-7050-0219	Power & Light	Public Utilities	NRWWTP	$125,000.00
81-2-2200-0100	Turkey Creek	Public Utilities	Sewer Bond	350,000.00

Transferred To:

81-2-2200-0101	Turkey Creek Const.	Public Utilities	Sewer Bond	$300,000.00
81-2-2200-0102	Turkey Creek Eng.	Public Utilities	Sewer Bond	50,000.00
81-2-2200-0103	Turkey Creek Ease.	Public Utilities	Sewer Bond	120,000.00
81-2-2200-0104	Turkey Creek Mis.	Public Utilities	Sewer Bond	5,000.00

Adopted: 6/18/85

***NORTHEAST PLAN DEVELOPMENT - CONCEPT FOR DEVELOPING APPROVED

City Manager Benton explained the Northeast Area includes the projected service area for the Neuse River/Perry Creek Sewer Project. A part of this area is currently within the City's planning jurisdiction and a section is within the County's planning area. Projections indicate a 200 percent growth in population for the area currently within the City's planning jurisdiction alone. A number of zoning cases are being submitted to increase density of development. With the movement forward on the sewer project, it is essential that a concentrated planning effort be undertaken. This area is unique in several ways:

1. The present pattern of large, undeveloped land holdings with relatively sparse population;

2. The major changes pending with regard to utility service in the area involving the County and the consortium of property owners;

3. The need to include territory which is not now, but will in the future be, a part of the City's planning jurisdiction as delineated in the Perry Creek/Neuse River Interlocal Agreement;

4. The need to ensure coordinated actions on the part of several governmental units to carry out plans for this area.

To address these issues, the planning process should be farsighted. It is proposed that an Ad Hoc Northeast Planning Task Force be established to provide a sounding board and source of input to a working staff group preparing a Northeast Plan. The Task Force would be appointed by the Council and should include:

1. Existing residents who live in areas under the City's jurisdiction and citizen volunteers from areas under the County's jurisdiction (4); (Council will be provided a list of possible appointees by the Northeast Citizens Advisory Committee for residents within the jurisdiction of the City.);

2. Land owners in the area [representing the consortium involved in the Perry Creek Interlocal Agreement (2)];

3. The City's Planning Commission (2); and,

4. The County Planning Board (2).

A technical support group would be assembled and include City and County staff and other public agencies as appropriate.

Because of the separate planning jurisdictions, the plan would need to be prepared in a format which would allow separate adoption by the City and County with each using its already established procedures for adopting amendments to its comprehensive plans. A copy of a proposed time schedule is in the Agenda packet.

Recommendation: That the Council endorse this concept for developing the Northeast District Plan and request the County to participate as noted in the proposal. Mr. Walters indicated he feels this is a very good plan and would move approval. His motion seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. Mrs. Block indicated there is an item that has to do with growth in this area in the Public Works Committee indicating she would hope that the Public Works Committee would be involved.

***CITY MARKET PROJECT - PUBLIC HEARING TO AMEND REDEVELOPMENT PLAN AUTHORIZED; RESOLUTION AMENDING INDUCEMENT RESOLUTION ADOPTED

With the steps which have been taken during the past several months, it is necessary to amend the official City plans and the financing plans which involve redevelopment bonds.

Recommendation: That the Council take the following actions:

1. Authorize a public hearing (for July 16) to amend the City Market Redevelopment Plan;

2. Adopt a resolution amending the previous inducement resolution to change the closing date to December 31, 1985, and increase the amount of the bond from $3.8 to $4 million. (A copy was included in the Agenda packet.);

3. Adopt a resolution to authorize an increase in the allocation requested of the State's private activity bond limit from $3.8 to $4 million. (A copy was included in the Agenda packet.)

Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 850

A RESOLUTION TO AMEND RESOLUTION NO. (1984) 521, AS AMENDED BY RESOLUTION NO. (1984) 679, A BOND INDUCEMENT RESOLUTION

WHEREAS, the City of Raleigh passed a Bond Inducement Resolution on May 15, 1984 for the purpose of expressing the intent of the City of Raleigh Redevelopment Commission to issue $3,800,000 of Redevelopment Bonds; and

WHEREAS, said Bond Inducement Resolution as amended indicated that the issuance and sale of the bonds must occur before June 30, 1985; and

WHEREAS, said Bond Inducement Resolution as amended indicated the City's intent to issue its Bonds in an aggregate principal amount not to exceed $3,800,000; and

WHEREAS, events and circumstances have caused delays in the project which necessitate the extension of the deadline for issuing and selling the Bonds; and

WHEREAS, events and circumstances have caused the terms and conditions of project financing to change which necessitate an increase in the amount of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the City Council, acting as the Redevelopment Commission of the City of Raleigh, hereby amends Resolution No. (1984) 521 by deleting the date "June 30, 1985" therefrom and inserting in lieu of the date "December 31, 1985", and furthermore by deleting the amount "$3,800,000" therefrom and inserting in lieu of the amount "$4,000,000."

Adopted: 6/18/85

Effective: 6/18/85

RESOLUTION NO. (1985) 851

A RESOLUTION TO AMEND RESOLUTION NO. (1985) 680 TO ALLOCATE $3,800,000 OF THE STATE'S PRIVATE ACTIVITY BOND LIMIT TO THE CITY OF RALEIGH

WHEREAS, the City of Raleigh passed a resolution to request $3,800,000 of the State's private activity bond limit to be allocated to the City of Raleigh on December 18, 1984; and

WHEREAS, events and circumstances have caused the terms and conditions of project financing to change which necessitate an increase in the amount of the allocation request to $4,000,000.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the City Council, acting as the Redevelopment Commission of the City of Raleigh, hereby amends Resolution No. (1984) 680 by deleting the amount "$3,800,000" therefrom and inserting in lieu of the amount "$4,000,000."

Adopted: 6/18/85

Effective: 6/18/85

***PERRY CREEK BASIN - THE DURANT GROUP - AGREEMENT AUTHORIZED

This project is located in the Perry Creek Basin on Durant Road. The project involves a package treatment plant and this necessitates an agreement pursuant to Council policy on such facilities. A copy of the proposed agreement was included in the Agenda packet.

Recommendation: That the Council approve the agreement.

City Manager Benton indicated this is a sewer package plant so Administration has recommended that The Durant Group be required to execute the standard agreement for the Perry Creek Basin. Ms. Babb moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***THOROUGHFARE CONSTRUCTION PROGRAM - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACTS; CONTRACTS WITH FLORENCE AND HUTCHESON AND MANIKTALA ASSOCIATES - APPROVED; AMERICAN ENGINEERING - APPROVED SUBJECT TO FURTHER NEGOTIATION

Thirty-two statements of interest have been received from engineering firms interested in providing design services for the Thoroughfare Program. The staff has reviewed the qualifications and recommends the selection of the following firms:

1. American Engineering for Raleigh Boulevard Extension;
2. Florence and Hutcheson for Millbrook/Shelley Extension;
3. Maniktala Associates for Lynn Road Extension;
4. Rummel, Klepper & Kahl for Eastern Boulevard and Peace Street widening;
5. Kimley-Horn & Associates for Six Forks Road Improvements.

These firms have been reviewed in terms of local office operations, design team, and client satisfaction.

It is also recommended that the following firms be approved as alternates in case satisfactory contracts cannot be negotiated with the first selected firms:

1. J. E. Greiner Company;
2. Watt Estes, Inc.;
3. Thompson, Gordon, Shook;
4. Wilbur Smith & Associates;
5. D S A Group, Inc.

A list of other firms which expressed an interest was included in the Agenda packet. The staff has requested specific contract proposals from the recommended firms.

City Manager Benton indicated it is recommended that Administration be directed to negotiate contracts with these firms. He stated, however, the following firms and fees for design are recommended: Millbrook/Shelley/Leesville Project - Florence and Hutcheson - $370,000.00; Lynn Road/Ray Road to Glenwood Avenue - Maniktala Associates - $176,600.00; as well as Raleigh Boulevard to Skycrest Drive - award of contract to American Engineering with a cap amount of $259,172.00 with the understanding that Administration is able to negotiate terms which would be less. Mr. Congleton questioned the difference in the percent of the contracts that have been negotiated pointing out one is at 9% and the other at 6.9. City Manager Benton indicated the project would be on a percentage basis not to exceed the lump sum amount. He indicated the Millbrook/ Shelley/Leesville Roads come within 9% with a cap of $370,000.00. He stated this work is very complicated as it involves work in developed corridors. Brief discussion took place as to whether these firms are doing work presently with the City and if they are capable firms after which Ms. Babb moved the recommendations, as outlined by the Manager, be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SUTTON ESTATES (TIPPER WOODS) - REFERRED TO THE REAL ESTATE COMMITTEE

On November 6, 1984, the Council approved a preliminary subdivision plan for property in the Falls Basin adjacent to the north boundary of the proposed Northern Wake Expressway. This subdivision, S-89-84, was then known as Tipper Woods and has since been renamed Sutton Estates.

The approval for this subdivision was with the understanding that a revised preliminary plan would be submitted for administrative review to ensure that all appropriate regulations had been adhered to.

On May 7, 1985, the revised plans were submitted. The plans contained the following changes:

The subdivision contains ninety-four lots. Sixty lots are to be served by septic tanks and thirty-four by a community septic system. A community water system is to be provided. Phase II of the subdivision occupies the property identified to be used by the State Department of Transportation as right-of-way for the Northern Wake Expressway. This also involves the intersection of the Northern Wake Expressway with Six Forks Road. This phase contains twenty-eight lots, part of one more lot and all of the proposed community septic field for Phase II. Phase I of the subdivision has been designed to stand alone with regard to meeting circulation, utility, open space, and stormwater management regulations of the subdivision ordinance.

These plans, as revised, address staff concerns within the limits established by the City Council's approval of the preliminary plan. Therefore, the plan is now considered an approved preliminary plan.

Under the terms established in the November 6, 1984 approval, the developer has agreed to withhold any development within "the proposed right-of-way for the Northern Wake Expressway until July 2, 1985."

Recommendation: The City Council should consider what action, if any, it may wish to initiate to protect this right-of-way in light of the continuing development of this subdivision. It is suggested that this item be referred to the Real Estate Committee.

Mrs. Cates moved that this matter be referred to the Real Estate Committee. Her motion was seconded by Mrs. Block. Mr. Congleton indicated he had no problem with that pointing out as the Real Estate Committee deals with this, he would like for all City Council Members to think about it. He stated he would hate to think that we are in the position of having someone present something that will put buildings in the right-of-way of the outer belt loop. He stated, however, he understands that a person has a right to use their land. He feels, however, that something has to be worked out as we need to get that right-of-way reserved. He questioned if since this subdivision has come into the Council today that says the Council has six months from today to act with Ms. Babb pointing out this subdivision was before the Council almost six months ago and at that time there were discussions about increasing density for return of reservation of right-of-way, etc. She stated, in her opinion, this is ending up the six months, not beginning the six-months period. She stated, in her opinion, we are at the point where we either have to buy the right-of-way or free it up for development. Mr. Congleton indicated he understands that and but questioned the possibility of setting down with the owners to determine if there is some ability for transfer of rights or reconsidering the density question. He stated, in his opinion, something just has to be done to protect the right-of-way with Ms. Babb indicating this conversation sort of strikes her odd as the Council may be in the position of "a day late and a dollar short." The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

***ENCROACHMENT - STATION SQUARE - APPROVED CONDITIONALLY; ORDINANCE ADOPTED RELATIVE TO OWNING

At the June 4 Council Meeting, the request of Mr. Gammon was referred to Administration. The request was for an encroachment on Dawson Street to erect a canvas awning across the sidewalk. Because of definitions in the Code for an awning and canopy, it is necessary that a Code modification be considered to adequately address this item.

City Attorney McCormick indicated he had prepared an amendment to the Code which would allow for businesses to have nice awnings that go from their door to the street. He briefly explained the proposed Code amendment. Ms. Babb moved adoption of the Code amendment relating to awnings. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 598

AN ORDINANCE TO AMEND THE RALEIGH CITY CODE AS IT RELATES TO MARQUEES, AWNINGS AND CANOPIES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Section 12-1001(b)(3) of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"(3) Awning. An "awning" shall include any structure made of cloth or metal with a metal frame attached to a building and projecting into a street right-of-way regardless of whether the same is supported by pillars or posts in the right-of-way and regardless of whether it can be raised to a position flat against the building when not in use.".

Section 2. This ordinance shall become effective upon adoption.

Adopted: 6/18/85

Effective: 6/18/85

City Manager Benton indicated that Administration recommends that the request for encroachment as presented by Mr. Gammon be approved subject to the standard encroachment agreement being executed and that the awning not to extend more than nine feet from the property line. Mrs. Cates moved the Manager's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PRIVILEGE LICENSE - RALEIGH CITY LIMITS - REFERRED TO PUBLIC WORKS COMMITTEE

Included in the Agenda packet was a business license application for "Raleigh City Limits: T/A Barry's II," located at 2406½ Hillsborough Street. This business was previously called "Monday's Tavern" and had its live entertainment license revoked by the Council on January 20, 1981. That was prior to the new Code provisions for different types of live entertainment licenses.

The request is for a Class I entertainment center. The business currently has permits for on-premises beer sales and a dance hall/public club.

City Manager Benton indicated there may be some additional information that the Council would like to consider. Without objection, this item was referred to the Public Works Committee.

***CIVIC CENTER PLAZA - BIDS - WITHDRAWN

City Manager Benton indicated bids were to be received on June 17, 1985, and he had hoped to make a report at the meeting. He stated, however, this item would be held until a later meeting.

REPORT OF MAYOR AND COUNCIL MEMBERS

***MARSH GROUP CONSIDERATION OF USE OF CITY PROPERTY - REFERRED TO REAL ESTATE COMMITTEE; HEIGHT OF BUILDING - REFERRED TO THE DOWNTOWN COMMITTEE

Mayor Upchurch indicated everyone has been reading about a proposed project on the Fayetteville Street Mall by the Marsh Group. He stated, without objection, he would like to refer to Real Estate Committee consideration of use of City property by the Marsh Group and would further refer to the Downtown Committee the height of the buildings in this project. Without objection, the items were referred as recommended.

***CABLEVISION CONCERNS - REFERRED TO LAW AND FINANCE COMMITTEE, ADMINISTRATION AND TELECOMMUNICATIONS COMMISSION

Mayor Upchurch indicated in the very near future it will be possible to televise Council Meetings and he would recommend that this be referred to the Law and Finance Committee to review appropriate procedures. Without objection, the item was referred to Law and Finance Committee.

Mayor Upchurch explained the Cable system is nearing completion and at present all phases are on schedule except the Downtown business area. He stated this will require costly installations as well as the tearing out and replacement of many sidewalks and streets; therefore, he would recommend that this item be referred to Administration for review and report back to Council. Without objection, the item was so referred.

Mayor Upchurch further explained there are several industrial streets in the City which would not have Cable installed and he would recommend that these areas be referred to the Telecommunications Commission for review. Without objection, the item was so referred.

***TRAFFIC - LORD BERKLEY/NEW BERN AVENUE - REFERRED TO ADMINISTRATION

Mr. Walters indicated a couple of times in the past he has brought up concerns about the traffic at the intersection of Lord Berkley and New Bern Avenue entrance to the Longview Shopping Center. He stated this is a hazard and he is afraid something bad is going to happen. He pointed out he has seen as many as five cars in the median at this intersection and no one knows what to do. He stated possibly the light in the middle of the next block could be moved to this area. Without objection, the item was referred to Administration.

***HALIFAX COURT - LIGHTING - COMMENTS RECEIVED

Mrs. Cates questioned the status of the lighting at Halifax Court. Mayor Upchurch indicated it is in next year's budget in the Capital Improvement Program. The comments were received.

***TRAFFIC - MYRON AND LAKE BOONE TRAIL - REFERRED TO ADMINISTRATION

Mrs. Cates indicated in talking about a recent zoning case, there were concerns relative to traffic problems at the entrance to the Lake Boone Shopping Center. She asked Administration to look into the possibility of a light being installed at the intersection of Myron and Lake Boone Trail as well as look at the possibility of removing the entrance to the shopping center from Lake Boone Trail. She pointed out the K-Mart on Western Boulevard has an entrance from a side street and asked that this possibility be considered for the Lake Boone Trail Shopping Center. The item was referred to Administration.

***EVERS DRIVE PARK - LIGHT - REFERRED TO ADMINISTRATION

Mr. Calloway indicated sometime back he bought up an item relating to the lights of the Evers Drive Park. He indicated he realizes that this is a State installation but kids are crawling over the fence and playing even when the lights are off. Without objection, Administration was asked to look into this.

***JUNK YARDS - APPROPRIATE SCREENING - CITY ATTORNEY ASKED TO DEVELOP ORDINANCE

Mrs. Block presented Council Members with a picture from a recent Board of Adjustment case that was approved relating to an auto junk yard. She indicated the screening which meets Code requirements, as she understands it, was blue plastic. She asked that the City Attorney be requested to develop some type ordinance for a natural green screen rather than blue plastic. Without objection, the item was referred to the City Attorney.

***RECOGNITION - 69 RALEIGH ROCKETS - TO BE INVITED TO JULY 16 COUNCIL MEETING

Mr. Congleton indicated he has learned that another Raleigh sports team has done well and should be recognized. He asked that the 69 Raleigh Rockets be invited to the July 16 Council Meeting to be recognized pointing out they have won a national championship in Memphis, Tennessee, and will be going to Las Vegas to play in another tournament. Without objection, it was agreed to recognize this team.

***TOWING - COMMENTS REFERRED TO THE MANAGER

Ms. Babb indicated all Council Members received a letter from a man who was very concerned about the exorbitant amount he was charged for towing. She stated she would give the City Manager a copy of the letter to look into.

REPORT OF THE CITY CLERK AND TREASURER

***MINUTES - JUNE 18, MAY 21 and 23 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received minutes of the June 18, 1985, Council Meeting and the May 21 and 23 Zoning Hearings. Ms. Babb moved the minutes, as presented, be approved. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

***PRELIMINARY ASSESSMENT ROLLS - NEWTON ROAD AND PEACH ROAD - RESOLUTIONS ADOPTED

The following preliminary assessment rolls will be presented which are recommended for adoption which would set a public hearing on Tuesday, July 16, 1985, to consider confirmation of charges:

Sewer AR-1021 - Newton Road
Paving AR-696 - Peach Road

Ms. Babb moved approval of the preliminary assessment rolls setting the public hearings for July 16. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 852

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 696
Powell Fund

WHEREAS, by Resolution No. (1982) 100 adopted by the City Council on November 16, 1982, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is th duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving thirty-one feet back-to-back on Peach Road between Dillwyn Drive and the dead end at South Saunders Street.

Section 2. That the cost of the above described improvements exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $17,172.20.

Section 3. That the City Council hereby makes an assessment to the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	TOTAL STREET ASSESSMENT	DRIVEWAY REPLACEMENT COST	TOTAL ASSESSMENT
William F. Eastman & Judith	1	0122225	87.34	873.40		873.40
Paul E. Bordreau & Beverly T.	2	0026709	60.0	600.00		600.00
John A. Payne IV	3	0122224	60.0	600.00		600.00
Albert M. Collier & Mary W.	4	0026708	60.0	600.00		600.00
Clemm H. Shankle & Dorothy N.	5	0017659	60.0	600.00		600.00
Marshall E. Clements & Phyllis D.	6	0052380	60.0	600.00		600.00
Mary Battle Shannon	7	0120840	60.0	600.00		600.00
Angela B. Holladay & Etal.	8	0006829	240.0	2,400.00		2,400.00
Angela B. Holladay & Etal.	9	0004650	133.0	1,330.00		1,330.00
William M. Rice & Thearessa D.	10	0036106	60.0	600.00		600.00
Jerry C. Barnes & Margaret	11	0122214	60.0	600.00		600.00
Kinsley Van R. Dey & Patricia	12	0122213	60.0	600.00		600.00
Radford R. Allen, Jr., & Christine	13	0122212	60.0	600.00		600.00
Radford R. Allen, Jr., & Christine	14	0122211	60.0	600.00		600.00
Blonnie Karim	15	0063205	60.0	600.00		600.00
Clemm H. Shankle & Dorothy N.	16	0044658	60.0	600.00		600.00
Reba C. Walker	17	0006825	370.0	3,700.00		3,700.00
Major Media of the Southeast, Inc.	18	0048203	106.88	1,068.80		1,068.80

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 696 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 16th day of July, 1985, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/18/85

RESOLUTION NO. (1985) 853

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1021

WHEREAS, by Resolution No. (1984) 613 adopted by the City Council on September 18, 1984, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU-1984-5 - Installation of approximately 1,000 feet of 8-inch sewer main beginning at an existing manhole south of the synagogue property on Newton Road and continuing eastward across the synagogue's property within an easement to Lot 134 on Newton Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $16,982.79.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is per lot.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Beth Meyer Synagogue, Inc.	1	0111771	-	-	$5,660.93
Triangle Retirement Services, Inc.	2	0019732	-	-	$5,660.93
Newton Development Company	3	0072914	-	-	$5,660.93

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1021 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 16th day of July, 1985, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is

hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 6/18/85

***SURPLUS PROPERTY - 1500 BLOCK OF BATTERY DRIVE - RESOLUTION ADOPTED

The City Clerk reported during the May 21, 1985 Council Meeting, the City Council declared property in the 1500 Block of Battery Drive surplus and directed that it be sold through the upset bid method. All procedures have been followed, and it is recommended that the City Council adopt a resolution authorizing the sale of the property to Frank E. and Metoka Trice for $1,000.

Ms. Babb moved the Clerk's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 854

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired surplus property, said property being described more fully as follows:

Approximately 2,793 square feet in the 1500 Block of Battery Drive

WHEREAS, Frank E. and Metoka Trice have offered to purchase said property for $1,000;

WHEREAS, Chapter 160A-266 et. seq. of North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED OF THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City of Raleigh will sell the hereinbefore described property to Frank E. and Metoka Trice for the sum of $1,000.

Section 2. That the Mayor be authorized to execute the instrument of conveyance.

Adopted: 6/18/85

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 7:35 p.m.

Gail G. Smith
City Clerk

emw/1CMIN1/1CMIN2